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His Majesties Declaration from *Breda*, April 14. 1660.

— We do declare a Liberty to tender Consciences; and that no Man shall be disquieted, or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; And that We shall be ready to Consent to such an Act of Parliament, as upon mature Deliberation shall be offered to Us for the full granting that Indulgence.

*House of Commons, Jan. 10. 1680.*

*Resolved*, That it is the Opinion of this House, That the Prosecution of Protestant Dissenters upon the Penal Laws, is at this time grievous to the Subject, a weakning the Protestant Interest, an encouragement to Popery, and dangerous to the Peace of the Kingdom.

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THE  
**Conformist's second Plea**  
FOR THE  
**Nonconformists.**

WHEREIN

The Case of the *Non-Conformists* is further stated; and the Suspension of the Penal Laws against them, humbly moved with all due submission to the Magistrate.

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By a Charitable and Compassionate **Conformist**:  
( Author of the former P L E A . )

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*Sed neque Imperiale est Libertatem dicendi denegare, neque Sacerdotale quod sentiat non dicere.* S. Ambros. *ad Theodol.* Ep. 29.

— There hath been left, for any thing I find to the contrary, in all well-govern'd Polities, a kind of latitude more or less, and power in the Magistrates, even in those Courts that were *Strictissimi Juris*, upon fit occasion to qualify and mitigate something the Rigor of the Laws by the Rules of Equity. Bp *Sanderfon's Sermons*, 1 Vol. p. 112. *Ad Magistratum.*

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The Second Edition, corrected by the Author.

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L O N D O N, Printed by J. D. for Jonathan Robinson, at  
the Golden Lion in St. Paul's Church-Yard, 1682.

CONFIRMING A SECOND EDITION

# Nonconformists.

The Case of the Nonconformists is the  
first volume of the series of the  
Lectures on the History of the  
Church of England, which will be  
published in the near future.

(Author of the former volume.)

London: Published by J. G. Chapman, 15, Northampton Place, Strand, W.C. 1843.

The second volume of the series, entitled  
"The Nonconformists," is now in the  
press, and will be published in the  
near future. It will contain a full  
and complete history of the  
Nonconformist movement in  
England, from the time of the  
Reformation to the present day.

The series of lectures, entitled "The History of the Church of England," is now in the press, and will be published in the near future.

London: Published by J. G. Chapman, 15, Northampton Place, Strand, W.C. 1843.

To all that are entrusted with the Administration of  
Justice, and Conservation of the Peace, by  
what Title soever they are honoured;

The Charitable and Compassionate ~~Conformist~~, doth most  
humbly present these Papers.

Noble and Worshipful;

**N**O Cause can come before you, wherein you are so nearly concerned, as you are sincere Protestants, than in this of the Dissenting Protestants, because your Religion is touched and concerned in it; you cannot hurt that in any sound part of the Professors of it, tho in a few things differing from you, but every one of you ought sensibly to be affected with it; and what you do to them will reflect on your selves, and your own Religion, except you account the Life, and Soul, and Body, of Religion to be nothing without Formalities. As you are Gentlemen of noble Birth and Education, and as Persons of Estates, and of Hospitality, of Wisdom, Justice and Experience, you are most obliged with all Skill, Judgment, Tenderneſs, Mercy and Impartiality to give your selves true Information, in the state and deserts of this great Matter; and so to proceed with them, as shewing a Copy of those Characters of Vertue, impressed upon your Spirits in your Proceedings with them. As Gentlemen by Birth and Blood, your Extraction derives to you the most amiable Qualities, and purest Endowments of human Nature; this Extract of noble Nature sublimated by ingenuous (much more by pious and christian) Education, must needs dispose you to a nobler kind of Behaviour, and a greater Benignity, than inferiour Persons of a coarser and more mixed Metal. A truly vertuous Gentleman, comes nearest to the true gracious Christian: but when the true Gentleman is become a true Christian, then even Enemies and Offenders, may expect much more than Humanity from him. You are not troubled with Parricides, Murderers, and Robbers, nor with obstinate Hereticks, nor with perjured Persons, (but such as fear an Oath) nor traiterous equivocating Jesuits, when the Nonconformists are brought before you, but with Men of an ingenuous Education, and what they want of a noble Birth, they have made up in the better sort of natural Endowments, improved by liberal Education, advanced by Grace, and preferred to be the Ministers of God, and therefore in a sort your Equals, as in other respects your Inferiours, and therefore worthy to be treated with a due respect. They may expect from you the highest Civility, patient bearing, the calmest Arguing, Courtiesie and Condescension, and an extream unwillingness to add nigh to a Rigor. You should sooner from a Generosity proper to your Degree, give them what they want, than take from them the little which they have; and be as much troubled to send them to a Prison, as to be sent into one your selves. He that

can easily be severe, or cruel, but put off Humanity, and doth act with great Negligence and Forgetfulness, of human Nature, and Christian Religion, and is so far unfit to act. If a Man be a Prisoner of War, at the Mercy of a Gentleman, the Gentleman considering what he is himself, acts like himself, and useth him as a distressed Friend, that was but a while before, an open Enemy. The N. C.'s for whom I plead, are your own, if you please to think them so, and you may wish as much ease, and more honour, with less trouble, and more safety, and comfort, make them your own, than disown, and use them as tho. they were your Enemies. As Ministers, they have chosen a Calling which the Prince of Darkness hates, and persecutes; they need your Countenance and Succor, against the Powers of Darkness; their business in the World, is rightly to inform, to better and save the World; they deserve your Assistance and Prayers for success. Had they chosen a secular way of Life, they might with the same Education and Paris, have filled and adorned other Seats as well as the Pulpit; had they all turned Physicians, Lawyers, States men, as some have done, or to other Trades and Arts, they might have had a greater Plenty, without disturbance, Dangers, Losses, or Indignities: But shall all these Miseries and Afflictions come upon them, First, Because they cannot change and desert their Calling? Next because they cannot be idle or unprofitable in it? Consider, and compare them dishonoured and afflicted, with your honoured selves: Are you Christians? so are they; are you Scholars? so are they: are you Gentlemen? they come not far behind you; are you Protestant Magistrates? they are Protestant Ministers: The difference between you is, you are in Power, and they are out of Favour: I will not so far dishonour you, as to compare you with those infamous, broken, ravenous, vile sort of Men, that witness against them. If I may not be pardoned those Epithets, I will prove these, and more, of many of them. But noble Sirs, how much beneath you is it, as Men of Honour, to give Countenance to such, as are not fit to come within your Doors, except to receive Justice from you, against any that have the unstained repute of honest Men, only because they are Preachers of our same common Faith. But noble Gentlemen, let me compare the Informers, and them against whom they witness (and for whom I plead) the one is a Teacher of the way of Life, the other is ignorant, or walks in the way of Darkness; the one makes Conscience of an Oath, and of his Word, but the other knows not what an Oath is, and fears not to be forsworn (I say nothing in this Opposition Oratorically, but truly and upon Proof) the one studies, knows, and performs his Duty to God, and his King, and to all Men according to his Knowledge; the other knows neither, and makes no Conscience (in appearance) of either: he is for the King and you, but as he is for the Devil, for what he can get by his Service; he is ungodly and profane, a daily Transgressor of the King's Laws, as well as God's; (and more than one have been cut off by the Sword of Justice, having first been rejected by all honest Men) the one lives a poor contented Life, praying for his King, and for all orders of Men, and praising God, fares hard, and goes meanly;

## The Preface.

whilest the other runs in debt, cheats his Creditors, swears and damns, and robs on the High-way, or breaks open Houses. In a word, the one walks in the way of Godliness and Honesty, and labours to draw others with him; the other neither goes in himself, nor suffers others to enter that would go in. And behold, and be astonished ye Heavens at this! the one is in danger of losing all he hath, and suffering because he hath no more to lose, for labouring to save Souls; and the other hopes to be rewarded with a third part of many of his Neighbours Goods, hazarding his own, and hindering the Salvation of others: A surer way it is to turn Informer, than play the Thief, or cheat his Creditors; but all hath not done their Work: the end of many hath been according to their Work! All this is spoken of some of them. You are Gentlemen of Estates, and cannot think that the ruine of thousands of Traders, Farmers, Tenants, yea the impoverishing of many of good Condition, can be a Service to the Common-wealth. If you do not suffer an immediate Loss, yet hundreds will, and what is a Loss to so great a part, will be an impairing of the whole. That great States-man, Sir W. Rawleigh, in the Parl. 35 of Eliz.

spake these Words: I am afraid there is near 20000 of them (the Brownists) in England, and when they are gone, who shall maintain their Wives and Children? Had there been but 20000 Dissenters in England, they had been rooted out before now, if some bad prevailed! But who shall maintain a far greater number of Wives and Children, when their Husbands and Parents are undone by the Penal Laws? And who will get by it? not the King; his third part, if come into his Exchequer, will not countervail his loss in his Subjects. What have the Poor got this many Years? or what have they got, that could neither keep, nor get, nor pay their Debts, before they took to Informing? not enough to keep them from begging even of them, against whom they witnessed, nor from Prison, nor miserable Ends.

As many of you as are Gentlemen of Hospitality, relieve many poor at your Doors, or other-where; can you think it a Charity to relieve Beggars? and issue Warrants to make many Beggars; that either cannot dig, or beg, or that keep many to their Labours, that else would beg? that bear their Burdens in the Common wealth, and are no burden to it!

Your Place and Office requireth Wisdom. And I may be bold to say, That the Renowned Sir Matthew Hale, was as wise, as strict, as just, as able a Lawyer as the ablest of you all that keep the Chair; it is no disparagement of the learnedest and gravest of you all, to take him for an Example, whose Moderation towards Dissenters is a part of his noble Character; you have known what hath been the concurring sense of all our Parliaments since 1672.

If none of these shall be your Precedents, I beseech you be pleased to consider, it is your Wisdom to understand the Duty of your Places, and the Matters that are brought

Historic. Collect. &c.  
of the 4 last Parliaments of Q. Eliz. p. 76.  
by Mr. Townshend.

See his Life, by Dr.  
Gilbert Burnet.

## The Preface.

brought before you; especially in Cases that concern the Liberties, Livelihoods, and Estates of many thousands in the Land. I humbly conceive you cannot with a clear Conscience proceed against the Dissenters, except you understand, 1. The matters for which they suffer, and that you may see in several Writings. 2. Attend to the scope and reason of the Acts, upon which you proceed. 3. Distinguish between Preacher and Preacher, between the sound and the unsound, and other Circumstances, and choose rather to give up your Commissions, than to act against God, and your Conscience, by punishing Well-doing, as if it were Evil doing. That Preaching and Praying which tends to Men's Salvation, and to no evil end, either to the King, or his Government, cannot be punished safely, without being accessary to the evil Intentions of those designing Men, who were the Politick Promoters of those Laws, nor without great obstruction of true Godliness, and of a most desirable Union among Protestants. 4. You ought not to act like meer Machines, or irrational Instruments; If so, the Weak and the Rash, that can but write their Names to a Warrant, or a Mittimus, might be as fit as you for your Offices: but as Men of Understanding, Wisdom, Conscience and Religion; and if the Laws are hard, and too severe for meer Nonconformity, be Intercessors with the King and Parliament, for his Subjects, and your fellow Christians.

As Just Men, Try the fitness of the Witnesses, whether they are Boni & Legales: Punish not Religious Assemblies of peaceable Men, under the odious names of Routs and Riots; and let not the sound, profitable, and peaceable Preachers, be ruined with a measure of Punishment, only due to the turbulent and rebellious. And if by many Years Experience, you find no Sedition or Disturbance to the Kingdom, only to the minds of some that are too controversially disposed to Passion and Contention, or if you find it only to be a Schism, a Church-matter, leave it to the Church-Men to judge it according to their Law. If you maintain the Civil Peace, you are happy Instruments in the Government, and what more is required of you?

Noble and honoured Gentlemen, I do not presume to dedicate this to Patrons, but humbly offer and submit the Reason and Argument to your Consideration, and suggest two things. 1. If we believe a Catholick Church, of the same Faith, in different Forms and Modes, why shall not our Fellow-Subjects and Natives, professing that Faith in a different Form, share in your Charity, as parts of the Catholick Church? To love them, as Christians of the Catholick Church, and of the same Faith, with our National Church in all things; and yet punish them that preach Catholick Doctrine, and observe all the Ordinances of the Catholick Church, is an odd kind a Love and Charity. 2. If there be any among us that are holy, sanctified Preachers, and Hearers, they shall be saved in the last Day: You know the Process of that great day of Judgment, for what Causes the unrighteous shall be condemned: — I was naked, and ye clothed me not; in Prison, and ye visited me not: Mat. 25. 41. O how will it agree with this, to say, I was in Power, and I executed the Laws, to distress of Goods, and Imprisonment, to Banishment, to Abjuration? How will it sound in that Day, I was in Prison, and ye committed me; I was banished, and ye banished me; I was impoverished, and ye impoverished me; what ye did to the Preachers whom I sent, ye did to me: — When ye shall be judged, what will you plead? or how can you pray, Thy Kingdom come, and obstruct the coming of it, to any People in any place in the Land? If there be nothing in what I humbly offer, reject it? if there be any Conviction in any thing, be pleased to consider of it.

Philagathus.



THE  
**Conformists Second Plea**  
 FOR THE  
 NONCONFORMISTS.

**I**T must be confessed that there is some turpitude in all Apologies, either imputed or committed. To Preface a Book with an Apology, when the matter is good, is to put a foul face upon a good matter; but then, it is a foul face only in some Men's Eyes, which are diseased, and will appear, if not beautiful, yet tolerable handsome, to the eye of them, that look for nothing perfect and free from human frailty, and that make daily use of a Towel and fair Water themselves. Plead for my self I must, and I shall make some requests with my Pleas, that so if I may not come off without guilt and blame, I may come off with my Pardon.

I did not think the Reverend Non-conformists so few or weak, as to need an Advocate, in some things, of another Judgment, and so far, of the other side; for as they are most sensible of their own condition, so they can both rationally, and pathetically, open and plead their own cause; and in my mind, they have said a great deal to purpose, if after all, it will be to purpose. I am sure had I been one of them, I could not have said for them, what they have done. But knowing how ill they are represented, I was resolved in what I could to do them right, and therein to express my Compassion, proportionable to my Religion, which as such is not confined, but Catholick: and if my Charity and Compassion must extend to all, that call on the name of the Lord Jesus, I am certain I must shew it to them, whom I take to be sound in faith and worship, and whom I have known, and heard, and by whose works I may profit, if I have not. My request to them is, that they would believe there are many in the Church of *England*, that wish an Union, they with us, and we with them, and it must needs be so in all them that are animated by the

## The Conformist's Second Plea

same holy Spirit of Truth, Faith and Love. I do also beg their pardon, that I have pleaded for them with no more Life and Strength.

I do understand, and I easily believe, that many of the Reverend Conforming Church-men are offended, that a *Conformist* should plead for the *Non-conformists*: It hath seemed to some almost incredible, and to look like a Cheat, or a Jesuit in Masquerade. I am glad I am not to be tried by Judges of that Complexion, by whom I am condemned at the very first sight of the Title-page, and that it hath found Approbation from them, whom I take to be of a better Temper.

Before I plead, I do humbly beg their Pardon and Excuse, who have been dishonoured by the Suspicion of being the Authors of the Plea for the *Non-Conformists*, by my concealment of my name. It hath been a greater Honour to me, than I ever expected or thought of, that it hath passed under some very Reverend names; but it is a Dishonour to them, to be counted the Fathers of such a Birth, which represents neither their strength nor stature, neither feature nor speech. I perceive the injury is so common, that I cannot without a greater, distrust their pardoning Inguity. — There is Modesty and some little safety in being nameless; beside not *quis*? but *quid*? And let him that will answer, answer the Book, and *ad Rem*.

Having said this, I next put my Apology. That Book was fitly called the *Conformist's Plea*, because it becomes the *Conformist* to read and weigh the Case; and having done so, to be righteous and compassionate, to be a good Instrument between his Mother and his Brethren at such a time, when ill Agents pass between them; and because the greatest Authorities he hath used, have been eminent Fathers or Sons of the Church of *England*. Why should it seem strange to any man in such an Age as this, when many that seem enemies to Popery, yet plead for Papists? Why should it seem strange, that one should labour to prepare the Hearts of men of the same Faith to meet, or to receive dissenting Protestants into Church-Communion with them, by opening the hardness of their Case, the worthiness of their Persons, and of their Ministerial Abilities, soundness of their Faith, exemplary Morals, peaceable Demeanour, &c. Why should it offend any Man, that I should open their Case, and testify for them, when we all, that have any sense, bewail our Divisions, and from thence foretel our Destruction, and profess a desire of Union, tho' upon different terms? How many in the Land do declaim against their Principles and Practices, and are ready to raise a wind, if it were in their power, to carry them away, that know neither the Men, nor their declared Principles! Is it not necessary, first to remove Prejudices and next to beget good Thoughts of them, in all that through unacquaintance with



with them, or disaffection towards them, before ever we can either desire, or admit an Union with them? It is a good preparation for an intimate, affectionate closure, to shew how near they come to us, what abatements other great and excellent Men would have made, had they had the management of Church-Affairs in our Days, and what Concessions they formerly thought fit to make; and more especially in a time when the great Councillors and Trustees of our Peace and Liberties, have unanimously voted for a legal Union. It is most unlike a Minister of Christ, and a Member of a Christian Reformed Church, to kick and spurn at Protestant Brethren, that would gladly come into the Arms of a Legal Constitution, upon no other terms and by no other ways, than such as Wisdom shall find out, and the Government resolve upon, for the Honour of Christ and his Religion, and the safety of the Church. In vain do we use the names of Unity and Peace, and yet at the same time, in the same Discourses, revile and bear false witness against our Brethren. To commend Peace and dislike fair Proposals, is flatly to hate Peace; to commend Peace, and with Tongues and Pens to persecute them with whom the Peace is to be made, is a method for Peace which I never learned. To invite men to my House, and keep the Doors shut, as against Thieves and contentions Persons that will never be quiet, or that are not fit to be trusted in it, is such a kind of Civility and Complement, that can never gain upon any man of sense. I put off my Hat to them with a seeming Humility and Love, and say, I pray you come in out of the Wind and Rain, and in the mean time prepare neither Room nor Entertainment for them, but think my House a great deal better without than with them, is as much, as to say, Be gone, or come in upon such hard terms, for which they must give Bond and Oath, which they cannot yield to. Will a Man that hath any Brains in him receive troublesome persons into his house? or contract with perfidious persons, that will eat him out and betray him? or espouse a Woman that he takes to be an ill-conditioned, contentious, unprofitable Brawler? We must ground our Agreements upon some rational confidences. And therefore that I might not only pray for Protestant-Christian Peace and Union, I used such means as were within my narrow Compass; and I could not think of any better, than briefly to state the Case, and commend the Persons, whose Establishment I do heartily desire, as they with whom we may safely, and comfortably communicate in the same Offices, or at least quietly endure to live with us in the same Nation, or Worship God in Christ, as in an outward Court of the Temple, tho' not in the Body of it, or at the Altar. If the Gentiles were not admitted into the inward Court, they had the allowance of an outward Court; they were not

## The Conformist's Second Plea

forbidden to come into *Jerusalem*, or any Town where the *Sanhedrim* was held. But our *Non-Conformist* Brethren may approach with us even to the Altar, if they be but taken in upon such Terms, as Christ and his Apostles would have admitted them upon, yea upon Principles declared by our first glorious Reformers. And shall it be a Crime in a *Conformist* to say so, to speak Truth in love? They earnestly plead with the Keepers of the Keys, for Christ's sake take us in! They plead with the power of the Sword, For the Lord's sake smite us not, destroy us not, for we are Friends. To the one they say, We would live in Peace and Love with you, we would glorifie God with one Mouth with you, we would not be as Strangers and Enemies. To the other they say, We will stand on your side, we will live and dye with you. But some that watch at the door, and some that stand Sentinel, and are upon the Guard, cry, Who are ye? Whence come ye? What would you have? Is it not a good service in me, or any other that are within, that know the Men, and have heard or read their Offers, to declare who they are, and what they offer? I look upon it as great an Act of Charity to many in the Church (of which I am a Member) as to them, to make a true report of the things I have written, and towards a Reception, to repeat the Heads of some former Debates and Consultations for Concord, and what hath been the Judgment of, and to what some Worthies of former times have condescended.——

*But who hath hired you, or feed you for your Plea?*

From this and the like suggestions, I appeal to my Judge in Heaven, and my Witness within, and clear my Friends from being as much as privy to any such designed work; yet I have my Reward on Earth. The Tearers of the Church have made at me, as invisible as I am. The Admirers of Innovations have cut me out a new Livery, some have dressed me in a Jesuits long *Robes*, and others exposed me in a *Scottish Bonnet*; but from others I have the reward of Thanks, Prayers, and Encouragements to proceed from the good Acceptation of the former part. And if none of my fellow-Servants would acknowledge my Kindness, I hope my Master will, whose I am, and whom I serve. And if some of my Mothers Sons look upon me, as having nothing of her, because I am not like them to an hair, and wonder who I take after; I would they should know, I take after the Candor and Ingenuity of Heathens and Papists, overcome with the Light and Truth towards Christians, and in their Language condemned Hereticks; and after the Charity of *Conformists* towards *Puritans* and *Non-Conformists* in former times; and so this part of my Apology shall be,

1. The imitable examples of Heathens towards Christians.
2. Of *Papists* towards miscalled Hereticks, our fore-runners in the Truth and Faith.
3. Of Conforming Defenders of the Church of *England*, towards Dissenters of former and latter times.

And if it be said, *That none of these did plead the Cause of their Adversaries, as I have done.* I say,

1. The Condition of the Times require it.
2. Their Case will bear it.
3. General Inclinations to Peace have opened an opportunity for it.

1. Shall not a Christian speak as well of a Christian, who is of the same Father, Faith and Family, as an Heathen of a Christian? Shall not a Christian Minister do more than a Christian Man, for the Honour of Christianity? Who hath taught us to expose serious Professors of the Christian Faith, to the Condemnation and Wrath of the ignorant and angry People, or to the jealousy of the Potent? What is commendable in them, ought to be commended; and that should be commended in them, which is commendable in us. And what is excusable in them, ought not to be exposed as damnable and intolerable. The Christian Qualities, Graces and Virtues should be acknowledged, and not disowned, because they are in a Non-Conformist. The Piety, Obedience, Sobriety, usefulness, Diligence in hearing and preaching the Word, yea and tenderness of Conscience, which they profess and shew, ought to be kindly respected; and the common infirmities of men, rather covered for the sake of those undoubted Graces, than these Graces to be suspected, because the men are not affected.

*Tertullian* in his *Dissuasive to Scapula*, the President of *Africa*, from Persecution [*Edit. Pamellii ad Scapul. c. 4.*] doth move him by the good opinion and commendation of the Emperor *Severus* (Father of *Antoninus*) who did not only shew favour to *Torpacion*, who had cured him with Oyl, and kept him in his place while he lived; but knowing some famous Women and some famous Men to be of this Sect, (so the Christians were called a *Sect*, or a *new Sect*, by way of contempt) he did not only not hurt them, but adorned and honoured them with his Testimony, and did also openly resist (or keep off) the common people raging against them. But most famous is that full Testimony which *Pliny* the 2d. gave to *Trajan*, of the Religion and Manners of the Christians, [*Tertul. Apol. c. 2.*] That he found nothing by them but their obstinacy in refusing to sacrifice; and that they met before day to sing to God and Christ, to consent in the exercise of Christian Discipline; forbidding Murder, Adultery,

De-

Deceit, Treachery, and other wickednesses. If a Heathen Governour, entrusted with the execution of Laws upon the Christians ( in *Pontus* and *Bithynia* ) gave such a Testimony of them, which was in effect to be more an Advocate for them, than a Judge upon them; what may be allowed to a Protestant Minister, pleading for Protestant Ministers and People? of whose Religion and manners much more may be said, than *Pliny* could say of those Saints of God, had he yet himself to plead their cause with his charming Rhetorick.

2. I will imitate a Vertue in an Enemy, what is good in an ill Man. Let others frame their Tongues to defaming names and *Anathemas*, after the rigorous and bitter *Papists*, I rather chuse to undergo the Censures of the Angry, without cause, than to be overcome or condemned by the ingenuity of *Papists* towards our Predecessors in the same Faith. What ample Testimonies have many of the *Papists* given of the *Waldenses*, altho' condemned of Heresie by their Canons, may be seen in *Du Plessis Historia Papatus*, out of *Rainerius*, and in *Archbishop*

*Edit. Lond. 1613. c. 6.* *Usher's de Successione & Statu*, out of the same *Rainerius*, and other Inquisitors, and their spiteful  
*§. 11. §. 15, 20. &c.*  
*fuse per totum Caput.*

Enemies the *Dominicans*, being overcome with the Light of truth, and Beauty of their Life and Manners, have not concealed what we ought to esteem a Glory. *Aneas Sylvius* writes as much to their disgrace as any scornful Enemy could do, who in his Journey to *Prague* taking in at *Tabor*, was with his Company gladly received by them to the right of Hospitality. He hated them to that degree, that he neglected Divine Offices on the Lords Day, lest he should communicate with Hereticks; and in his return, being overcome with the importunity of his Company, to return thither to bait, he would neither eat nor drink while he was in the City; yet he gives us the Heads of their Religion in opposition to the *Roman* Apostacy, which is such, as every true Protestant must subscribe to for the most part. And the ill reports he gives of their degenerate Manners, he took upon trust from his Host, who secretly kept the Images of *Christ*

*Vid. inter Waldensia, &c.* and the Virgin *Mary*, and would have fallen from them, but for the love of his Riches. And shall we take these Reports for true of them, which he, an incensed Adversary, afterwards a Pope, received from a secret *Papist*, and an Hypocrite? There are too many in *England*,  
*Opera Balibar: Lydi; Aeneas Silvii Historiam Bohemicam, p. 371, & 373.*  
*Roterdam. 1612.*

from their ignorance, prejudice, or malignity, will speak as ill of our worthy

thy *Nonconformists*; but let us who know them, and should esteem them as the Servants of God, and our fellow-servants, write and speak with Tenderness, Truth and Modesty.

3. To come nearer home, and the Point in hand. Many learned and peaceable conforming Divines, when they wrote of them, or wrote against them, have given them an honourable report; especially when the *Papists* have upbraided the Church of England with *Puritans*, as now they do with our *Divisions*. Mr. Francis Mason, the learned Defender of the Ministry of the Church of England, speaks so modestly and kindly of the *Nonconformists* \*, that he \* *Churches power to make Canons.* insinuates a good opinion, or a kindness into the heart of his Reader in that Book, wherein he labours to satisfy or confute them. With a like temper did Dr. Sparks handle the *Persuasive to Conformity*. What ample and fair Characters doth the ingenuous and honest Dr. Fuller give of Mr. Cartwright, Travers, Udall, Hilderham, Dod, &c. in his Church-History of Britain? And long before him, we may read (what some of our learned and eminent Conformist Divines have imitated) the Honour which some great Doctors of Cambridge, and among them Dr. Fulk, gave to Mr. Cartwright, perswading him to confute the *Rhemists* Testament, printed before that worthy Work of his. I will content myself with one example more of this temper, a learned man beyond all exception, the great Doctor Crakenthorp, whom I rather cite, first, because he professed himself, and was acknowledged by the Bishops to be a moderate Protestant, but no Puritan. 2. Because he reckons many of the N.C. Puritans, who suffered either Deprivation or Suspension, or more, for their Nonconformity, and blames them for that fault: *Utinam errorem suum & cernere voluissent & deponere.*—For otherwise certainly (said he to Marc. Anton. de Dominis, A. B. of Spalato) there is not one of them scarce, to whom any of you is to be compared for goodness or holiness of life; and even for Learning, you your self (who are a Master in your Israel) are not to be compared with some of them. The greater was the unhappiness of that Breach, which was made by Injunctions and Scruples. I never thought them good Painters who draw the Pictures of the Dissenting Brethren with dirt and soot: but I knowing them to be unlike those Pictures, have with a just offence beheld their Injuries; and would have been pleased to have seen them described by some impartial and skilful Master, as fit to adorn the Palaces of Princes, who have been removed up and down, and thrown out of the way, like the lumber out of a new-furnisht Church. The Works and Histories of the lives of many

*Defensio Eccles. Anglicanae contra Archiepisc. Spalatensem. cap. 33. p. 206.*



ny of the old sound and loyal *Puritans*, written for the most part by Conforming Divines commend them, and will commend them to all Godly Generations; and the Memories of the Orthodox *NON-CONFORMISTS* of the present Age, will be transmitted after them, to the better opinion of future times by a truer Tradition, than any History that is as yet come to the view of the World, by the reviling and aspersing Writers of this Age. And two ways after-times will be truly informed concerning them; first, by that angry reproachful Art of Jest and Earnest (I do not mean those venomous half-peny Volumns that will not hold the binding, and will be condemned to the fire by their very Authors, if ever they grow wise enough to repent) but in a greater bulk, and of greater gain to their Authors and Sellers, than profit to their Readers. Secondly, by the great numbers of Books written by the *Nonconformists*, to the real advancement of Piety. By the first, serious and inquisitive Posterity will conclude that Tenderness, Piety, and Truth lodged not in their Bosoms, while their Hands mov'd their Pens, which aspersed their made-Adversaries in such a way, as could neither gain nor convince them. By the latter, they will conclude, when they observe the scope of their Tracts, soundness of their Matter, affectionate moving way of writing in Practicals, and their Asserting the *Protestant* Doctrine of former and latter times, in their Controversials, that surely these men were an excellent part of the Church, inspired by the spirit of Grace and Truth, and deserved better usage, and a higher place, than a Barn or a Hall to preach in.

In speaking well of the *Nonconformists*, I have followed the Example of them that I reckon among the Chief of the Church of *England*: and if my Affection to them, and in them, to Christian and Protestant Name and Religion, hath prevailed upon me to an unusual Undertaking, if it be not pardonable with some, if it be acceptable to Jesus Christ, and suitable to the Minds of many good Men in the Church, and do some tolerable service to the suffering part, I doubt not but I shall be saved, without the Pardon of them that cannot pardon the Virtue of Moderation, any more than the Aggravated offence of Nonconformity.

I have gone no further than to plead a trampled Cause, which they that hold it, think too good and precious to be trodden on by the proudest Foot, as fit to be taken into Consideration by the Wisdom and Authority of the Nation. I have not presumed to make Proposals or Demands;

\* Dr. Stilling. Preface to the Unreasonableness of Separation.

that's left to wise and great Men. But if some of our Eminent \* Church-Men have made Proposals of Abatement, and have not violated their Subscriptions, not to endeavour any alteration of the Government in Church or State; I hope I have not

for

forfeited my Sonship, or broken Faith, by doing farless, and keeping within the bounds of a well-meaning man. And so much, and perhaps too much, by way of Apology.

I have opened in the Plea the hardness of the Case, greatness of the Sufferings, worthiness of the Persons of the *Nonconformists*, and the loss to the Church by their Exclusion or Suppression. I might infer Conclusions from every of those Heads of Arguments, and drive the Plea more home; but now because their Sufferings are like to be more and greater, and they are to be a Carkass to the Eagles, I will take leave to discuss this seasonable and necessary Question.

*Q. Whether it be not better, that the Penal Laws against the Nonconformists, to which they are obnoxious, by their Preaching and Praying, and other Religious Exercises, should not be executed, but forbore rather than put in Execution, until such time, as our Gracious King and Parliament in time to come shall maturely take the State of divided Protestants into their wise Considerations, and bring us all into a happier Legal Establishment, than we are in, or can be in, while our Divisions and their Causes continue? —*

It may be thought high Presumption in a private Person, to determine which is the better; but I conceive, that because the Civil Magistrate is not Omniscient, but takes his information from Inferiours, and private Men, coming to him through publick Persons, it's rather a Duty than an Offence to propose such a Question, and discuss it, when too many determine perhaps without due Examination of the Case, that the rigorous Prosecution of Dissenters is best and needful.

In the handling of this Question, it will be necessary to state it, and shew;

1. Who I mean by the *Nonconformists*.
2. State the Controversie between them, and the Church from which they dissent.
3. Open the nature of the Offences, for which they are liable to the Laws.
4. Explain what I mean by Forbearance of them, or the Execution of the Laws.
5. Why I limit the time, until our Gracious King shall take our divided State into further Consideration. After which done, I will,
6. Produce my Arguments for the Affirmative, That it is better the Laws should not be executed, than put in Execution. And,
7. Answer Objections to the contrary. —

1. By *Nonconformists*, I mean only such Ministers, Teachers, Pastors, and People, as are found in the Fundamentals of the Christian Faith, and substantial

substantial Worship ; that the *Protestants*, or reformed from the Corruptions of *Papery*, that peaceably submit to the Civil Government of the Kingdom, and the Temporal Laws thereof.

Secondly, The Controversy between the *Nonconformists* and the Church, or the *Conformists*, lies not in matters Political and of Civil Government, for they agree in that, according to the Laws and Constitution of the Realm. \* Nor is the Controversy in the Fundamentals, or Articles of Faith, or between a Church-Government, and Anarchy or no Government ; but about Matters of Form and Ecclesiastical Discipline, and Terms of Church-Communion, or of Exercise of their public Ministry, consisting in Subscriptions, Oaths, and Declarations, and some private Doctrines to be assented to.

\* *Vid. Dr. Stilling. Miscb. Separat. p. 21.* and their own many Books. *Cum illis quos tu Puritanos vocas, non est nobis de fide aut Fidei dogmate lis nulla de Ritiibus illis, & disciplina Ecclesie nostrae contendunt*, Craken-thorp *Eccles. Anglic. Defensio. c. 33. p. 203.*

But this is too general an account ; more particularly it is carefully to be noted,

1. That the Controversy between the *Nonconformists*, and the Church as now established by Law, is not the same it was between the Church and the *Nonconformists*, or *Puritans*, from the Reign of Q. *Elizabeth*, to our King's Reign. The *Nonconformists* in those days and following time, asserted a Government and Discipline of Divine right by *Presbyterian* Classis, Synods and Lay-Elders, and dissented from the Government by Diocesan Bishops, and Ceremonies principally ; yet these were against the *Brownists*, who separated from the Church of *England* as no true Church, which the meer *Nonconformists* did not. But since his Majesties wonderful Restauration, that part of the Controversy which relates to Church-Discipline, and Government, is altogether new, and quite different from the old. No single Person, nor Combination of men, did ever desire of the King or Parlia-

See Mr. Baxt. *Preface to Bp. Morley, and Bp. Gunning, before his true and only way of Concord.*

ment, the Establishment, or the Toleration of the *Presbyterian* Government or Discipline, either in the *Presbyterian* or *Independent* way. And therefore the pains of those Writers, who have revived the Opinions, and raked into the Miscartiages of the *Presbyterians*, might have been spared, as not at all to the purpose ; except to that which peaceable or wise Men: They do only kindle wrath by stirring Fire, and cry, Fire, Fire in the Church and State, when there is not so much as any Smoke ascending from the Embers of

*Pref.*



*Presbyterian Principles.* Those Tragical Stories of *Presbyterians*, whether true or not, which some men bring to remembrance, seem to serve another Design than the Union or preservation of the Church, and apparently to render the *Nonconformists* suspicious and odious, and to hinder a Reconciliation.——

2. There are especially two sorts of Dissenters from the Legal Church; first, Those who are called *Presbyterians*, but wrongfully so called, (and by me only for distinction-sake) the other are the *Congregational*, or *Independents*. The Fanaticks and Sectaries fall under this last Division in point of Government; but the meer Congregational are men of Learning, Reason, and sound Principles as to Faith, Worship and Manners, and so there must be a Distinction between some, and others, that are commonly so called.——

All these agree in that they cannot conform to Subscriptions, Oaths, and Declarations; and some in other matters come nearer, or stand further off than others; therefore the Difference cannot be more particularly stated without an exact knowledg of their Tenets.

3. Those who are commonly called and reputed *Presbyterians*, declared themselves for his Majesties Declaration about Ecclesiastical Affairs, as they have done against the Terms required by the Act of Uniformity. And now, if any man would know the true State of the difference between the *Conformists* and one part of the *Nonconformists*, may find it to lie in that Gracious Declaration, and that Act of Uniformity. The reputed *Presbyterian* cannot conform to the act, but would have been glad if that declaration had been made an Act. And they who would have gladly submitted to that rare Invention of Compofure and Settlement, are no longer to be accounted *Presbyterians* in a strict and proper sense; much less Enemies to the King and Subverters of the Government, that would have conformed to what the King proposed, upon great Reasons and wise Counsels, as appears by the Reasons, Frame and Language of that Declaration: And they who condemn them that conform not to the Act, but would have conformed to his Majesties Declaration, if it had been turned into a Law, have declared at the same time their dislike of the King's Declaration. And if their zeal be so hot against this kind of Dissenters, their Reverence of the King's Act, which gave them their Measures and Directions, both as to what they should ask and desire

October 25. 1660.  
*Pet. for Peace, §. 10.*  
*To the Kings Most Excellent Majesty. The due account and humble Petition of the Ministers of the Gospel commissioned for the review and alteration of the Liturgy.* Lond. An. 1661. Mr. Baxter's *Preface Treat. of Episcopacy.*

to be ruled and governed by, should restrain them from being too rigid in their Censures. Had they drawn up such a Declaration as that is, and presented it to the King and Parliament, as the only Rule they would submit unto, and the King have rejected and refused it, then they had been more deservedly reprov'd for their Nonconformity. But when it was graciously declared by the King, and gratefully acknowledged by that Par-

*See the foresaid Petition.*

*At their Meeting in Sion Colledge.*

liament, and the Divines that now dissent, did thankfully acknowledge and receive it, they cannot be condemned but from some Reflection upon that Declaration, and by consequence the King himself and his wise Councillors, and that first Parliament, who thanked the King for it. And let it be further noted; that there was once a Parliament most freely chosen of Loyal Members, that thanked the King for Terms of Accommodation and Union; and it is much for the Honour of the Dissenters, who humbly desired an Union upon those Terms, that they had once the King himself, and as many of his wise Council as advis'd, and a Loyal Parliament freely chosen of the same Judgment with them. If they are a Faction, they are such as never was before them; a Faction that would have been ruled by the King, and that good Parliament which did restore him. I do notifie the first rank of Dissenters from this, because they have submitted to this, and never offer'd any other Terms or Proposals by general consent, but those declared by the King himself, or such alterations that were made in the Liturgy, by his Majesties Commission. And those that are said to be for a new model, are for the Kings own Model.—

4. The other sort of Dissenters fall under the name of *Congregational* and *Independents*. As many of these as are under my present consideration, are first Orthodox and sound in Faith, agreeing with the Scriptures, received Doctrine of this Church, in Articles and Homilies, and of other Reformed Churches, in opposition to Heresies and Popery.

2. They dissent not from the Civil Government of the Kingdom. Take their own professed Doctrine, 'It is the Duty of People to pray for Magistrates, to honour their Persons, to pay them tribute and other Duties, to obey their lawful Commands, and to be subject to their Authority for Conscience-sake. Infidelity or Difference in Religion doth not make void the Magistrates just and legal Authority, nor free the People from their Obedience to him; from which Ecclesiastical Persons are not exempted; much less hath the Pope any Power or Jurisdiction over them in their Dominions, or over any of their People,

and

\* and least of all to deprive them of their Dominions or Lives, if he shall  
 \* judg them to be Hereticks, or upon any other  
 \* pretence whatsoever. \*

3. They are for a Church-Government, by Pastors, Teachers, Elders and Deacons, but within particular Congregations, having all Power within themselves, independent as to Jurisdiction, or Subordination to any other Church, or Synod, and they are for the Administration of all the Ordinances of Christ.

The most that ever these desired at any time, even when the Presbyterian Government was most likely to prevail, was a Permission or Toleration to exercise their Discipline, subjecting themselves, as any other Subjects, to the Magistrate, not desiring the Preferments of the Church, which they would have always go to them that conformed to the Constitution of the Church according to Law, and with this they would now be thankfully contented.

\* *A Declaration of the Faith and Order of the Congregation. Churches in England, in their Meeting at the Savoy, Octob. 12. 1658. c. 24. Of the Civil Magistrate §. 4. Vid. Dr. Owen's Truth and Innocency vindicated. Survey of Dr. Parker's Eccles. Polity, p. 164, &c. Ibid. of the Institut. of Churches. §. 9.*

The third thing to be spoken to, is the Nature of the Offence, for which they are liable to the Penalties of the Laws. The remote Offence or Transgression, is their Nonconformity to the Act of Uniformity, for which they have suffered a Deprivation of their Ecclesiastical Preferments. The next and immediate Transgression, is against other Statutes, which are these:

1. The Statute of the 35 of Queen Elizabeth, declared to be in force, 16 of Ch. II. c. 4.

2. The same Act against Conventicles and unlawful Assemblies, under Pretence of Exercise of Religion.

3. Act 17 Ch. II. c. 2. *Nonconformists* that take not the Oath; or Test therein set down, shall not inhabit in any Corporation, or live within five Miles of any Town that send Burgesses to Parliament; or five Miles of the Place where they were Ministers.

4. The Statutes of the 22<sup>th</sup> of Ch. II. c. 1. *Seditious Conventicles prevented and suppressed.*

By the first of these Statutes, viz. 35<sup>th</sup> of Eliz. the Offences are two; the first is not coming to some Church or Chappel, or other place of Divine Service, to hear Divine Service established by her Laws, &c. The second is to speak or write, or to perswade any to deny or impugn Her Majesties Power in Causes Ecclesiastical or perswade any against hearing Divine

Divine Service, or to be present at Conventicles, or unlawful Assemblies. The Penalty is, first Imprisonment until he acknowledg his Offence, and declare his Submission in some Church or Chappel; which if he refuse to do within three Months, he shall abjure the Realm if he do not, or if he shall return without her Majesties leave, he shall be proceeded against as a Felon.

I shall speak of the second under the fourth, because it was to expire after the next Session of Parliament, which was after three Years. And pass to the third Statute; The Offence by that Statute is, If any person that had enjoyed any Parsonage, Vicarage, Lecture-stipend, & had not conformed to the Act of Uniformity, and shall not take and subscribe this Oath;

'I *A. B.* do swear, that it is not lawful on any pretence whatsoever, to take up Arms against the King; and that I abhor that Traiterous Position, of taking Arms by his Authority against his Person, or against those that are commissioned by Him, in pursuance of such Commissions, & that I will not endeavour any Alteration of Government either in Church or State. If he shall preach in any Conventicle, or come within five Miles of any City, Corporation, or place of his Ministry, except on his Journey, or summoned by a *Subpoena*, he shall forfeit 40 *l.*

The Original Crime is Nonconforming; the next is not taking the *Oxf.* Oath, preaching in Conventicles, and coming within five Miles of any such place. —

The fourth Statute, *Car. 22.* is, &c. And the Crimes are; 1. 'If any Man shall be present at any Assembly, &c. under colour of any Exercise of Religion, in any other manner than according to the Liturgy and Practice of the Church of *England*; at which there shall be five Persons or more assembled together, besides those of the same Household. 2. If any Man shall take upon him to preach or teach in any such Meeting, he shall forfeit 20 *l.* for the first Offence after Conviction, and 40 *l.* after the second Conviction of a second Offence. 3. If any person shall willingly suffer such Meeting to be in his House, Out-house, Barn, Yard, or Back-side, and be convicted, shall forfeit 20 *l.* &c. And every Hearer, 5 *s.*

The facts that are most obvious, and most commonly prosecuted, are first, Preaching, Hearing, or entertaining of any Meeting under pretence of Religious Exercise, after another manner than the Liturgy or Practice of the Church of *England*, to five or more besides the Household where such Meeting is kept.

Fourthly, I am to explain what I mean by Forbearance.

1. I do not mean what never came into the Question, an Universal Toleration, or License of all Irreligion, Atheism, Heresy, or publishing pernicious

pernicious Errors, contrary to Godliness and Peace. by Forbearance, a Toleration or Forbearance of Prosecution against any that shall be found guilty of those Offences and Crimes, contained and declared in the Reasons of these Statutes, for the prevention whereof these Statutes were primarily intended, as the Intention of the Law.

1. I do not mean a Forbearance of any Person whatsoever, that shall by Printing, Writing, or express Words, purposely practise, or go about to prove or persuade any of His Majesties Subjects, or any other within His Realm, to deny, or withstand, or impugn His Majesties Power in Ecclesiastical Causes. There is no *Nonconformist* that hath written, or printed, or (that I ever heard of) spoken, to impugn His Majesties Power *circa sacra*, but own it, as hereafter it will appear.

2. I do not mean a Forbearance of any Person or Persons, whether more or fewer than five, that shall, have, or do contrive any Insurrections, as Seditious Sectaries, or Disloyal persons, or any dangerous Practices of Seditious Sectaries, or other Disloyal Persons, who under Pretence of tender Consciences, have or may at their Meetings contrive Insurrections; or that make but a pretence of Religious Exercises, to carry on any such Intentions. The above explained *Nonconformists* will heartily subscribe to this. Against these Contrivers the Law is bent, and not against such as are in earnest for Religious Exercises, but upon no Seditious Design, tho it is otherwise interpreted, contrary to the declared end of the Law.

3. The Persons to be forborn, are such Preachers and Teachers, as never kept Conventicles, or Meetings, making those Religious Exercises a pretence only, when the Design was Rebellion, Sedition, or Insurrection; as never taught any such pernicious Doctrine to such a wicked end, but that have taught and hold the contrary, performing Religious Exercises for Religious ends; and both they that hear them, and they that entertain them, should be forborn.

4. By Forbearance, I mean a total Forbearance of all the Penalties, which they have incurred upon their Persons and their Estates. The merciful Indulgence of the Government, and many over-ruling Providences concurring, have given them Advantages, and boldness to meet more openly

2. I do not mean

*Nor did the N. C. desire but the Toleration of those that are tolerable, and the peaceable Liberties of all that agree on Catholick Terms of Primitive Simplicity in Doctrine, Worship, and Discipline. Petition for Peace, Anno, 1661.*

*See the Statute, 35 Elizabeth.*

*Vid. Statute of 16 Ch. II. c. 4.*



openly and in greater Numbers, than they did before, than they could or would have done. If now there shall be a severe Prosecution against them, the Prisons will fill in many places, their Fines amount above their Estates; there will be neither Dish nor Spoon, Stool nor Bed left for their Wives and Children; no, nor a Friend of their way left in the Land, in a Condition to relieve them. It is the ready way to fill many places in the Land with Tears and Cries, Beggary and Misery, such as no good Protestant can behold without a Sympathy. This is no better than to forbear a Creditor till the Interest grows to a great Sum, and then seize upon all he hath, enter upon his Land, and drive his Cattel, &c. this is Mercy, till Offences grow big for a huge Severity; Mercy patent, for latent Justice, to give them time to gather Flesh, and then to devour them. If the Rooks, the Informers, those Birds of Prey, hope to flesh themselves by picking the bones of the *Nonconformists*, it should go against the stomach of every true Gentleman, not to say, Merciful Christian. If they must be suppress'd, give them notice of it; do not kill them in cold Blood, after Quarter given them. To make the Case familiar; There are a Company of honest, quiet People live about me, they were once in good Fashion and Reputation, but are now fallen in the World's danger, and are forced to be beholden to their Friends; they live in my Mannor, and have trespassed upon me, against the orders of it. I thought it hard to trouble them, or severely to gather my Amerciaments, for they were honest Men, and of my Religion too for the main, they were good Protestants in their way. I never heard of any Riots among them, or ill Designs that could be prov'd against any of them; when others were at their Pastimes, they were at their Prayers, & were laborious, while others that had more of the World, took more Pleasure; and they know that if I had been severe with them for every Trespass, they had not had a Cow or Cows keeping, not a Sheep or a Pig; and now they have well about them, and I am resolv'd, I will make them pay all the Amerciaments of my Court, for every Trespass; they shall have neither Cow, nor Sheep, nor House to sleep in in my Mannor, I'll make them pay, or ly in Prison, or fly the Land; for they are a dangerous ungrateful People: for when I stand for a Parliament-Man, or desire their Votes for my Friend, there is not a Man will appear for me; but they are all for them that are against a Popish Successor, and for uniting of Protestants, and such things as these: They are cros to me; what I abhor, they approve; when I address, they refuse to subscribe. Well, but Sir, I beseech you be merciful to them; and if you will have all your Town to be in all things of your Mind, give them notice first, or else it will be said you forbore them their lesser Fines, till they grew to a great Sum. I beseech you, do not so by them,

but

but be as merciful to them, as you are to other kind of Sinners.

Fifthly, The Limitation of the Question is, untill such times as our Gracious King and Parliament, in time to come, shall take the State of the divided *Protestants* into their Mature Consideration. We may rationally hope we shall have a Parliament from our King, who hath often declared his Resolution to have frequent Parliaments; we hope it will be a free Parliament; I do not mean free from force or violence upon Men's Persons, but violence upon their Reasons by Drunkenness, with its shameful Antecedents and Effects. And if ever we have such Elections, we shall pitch upon such Men, as long as there are any to be found, that are Men of Loyalty to the King, and Government, of Estates and Quality, that are free from Temptation to get by dishonourable Arts, and that have too much to give away from themselves, and the Freeholders that choose them. A Protestant People will elect Protestant Representatives, and such as have a respect to Protestant Dissenters, in things that may be spared without hurt to Religion, or infringement of Government; much less a change, and that as they are Natives, Relatives, peaceable and pious good Men. It cannot be thought, that they that would exclude *Papery*, will leave a Breach among our selves for it to enter in at; our last Parliaments, have declared their Inclinations by their votes, and from what they have done, we may guess at what they will do, if God give them time. And there must be a depth in Policy deeper than Men of a short Line can fathom, or a great mistake, that those Gentlemen and Magistrates that are bent to suppress our Conventicles, should act with such a Spirit now, when they have declared who, and what they are for. Is this the way to gain the Body of the Nation to choose them, or those they affect, into a next Parliament, when it is visible what Interest they serve, by disobliging the Protestant *Nonconformists*, and giving notice to the Church, and Conforming *Protestants*, that they cannot be safe from them, that suppress, if not cut off, as many as they can of the same Faith and Worship for Substance, for those Differences, that need not be, if Condescension and Love might but come in Fashion?

The Controversy between the Church and them is not yet determined, but there is this good of late got by the Heat of Writing; that both sides have declared their Minds more freely than heretofore; and there are Proposals made by both sides, which if they cannot be universally admitted; yet from the rude Draughts of a Building, wise Men may agree upon the Frame, by adding, taking away, and composing.

*The Rev. Dr. Stilling.  
Pref. to Unresonab. of  
Separat. Rev. Mr. Baxter,  
Mr. Humphrey,  
Mr. Lobb.*

As the  
Parlia-

Parliament made the Laws out of Love to the Church, and they will not do ; Magistrates out of Love to the Church, should abstain from Prosecutions for a time, and be patient for a while, except they saw, what no Man can see, that lives nearer to them than their Informers, any more cause of Suppression by any contrived dangers, either to Church or State, than when they are fast asleep in their Beds: If you have just cause to fear their Principles, disarm them of their *Knives* ; but those that know them better than their Enemies, or your Informers, do think no more Danger like to arise from their Principles, than there was against the King and most favourable Parliament, from their Preparations for Rebellion, Are all the Nonconforming Preachers on a sudden turned Jesuits ? is their Faith turned into Faction ? have they submitted their Scriptures and their Senses to an Infallible Guide ? acknowledged in him the power of both Swords, and listed themselves under his consecrated Banners ? Are all their Children Males ? Are all their Infants in a few Months grown up to be above sixteen Years of Age, fit for Arms ? Are their Wives and Daughters become *Amazons* ? How many thousands can they make ? Where are their Rendezvouze, their Masters, their Lists, their Magazines ? where are their Generals ? Who are their Correspondents, and Confederates abroad ? The distressed persecuted *Protestants of France* ! Are they fortifying their Barns and Meeting-Places ? or ready to march and take the Field ? Why are we not all in Arms for fear of them, if the Danger be so great from their Assemblies ! Abstain from these Men for a little time, and let not their Flight be in Winter, or on the Sabbath-Days. If you will not forbear till such a time, one thing I hope and look for, that when you drive their Cattle, or offer their Goods to sale, you will find no Buyers ; or if you send them to the Goals, their Keepers and Fellow Prisoners may become true Converts, and that you that send them thither may fetch them out.

But I must not forget my Arguments to prove the Affirmative of the Question, That it is better the Execution of the Laws should be forborn against *Protestant* Dissenters, than urged or countenanced.

I have laid the Question in a Comparative, and affirm it is better, &c. The Comparative doth suppose a Positive ; if I can prove that it is not good to execute the Penal Laws upon Dissenting *Protestants*, then it will follow *a fortiori & majore*, that it is better they should be spared than punished.

The Argument runs thus.

It is not good to execute the Laws upon Dissenting *Protestants* ; therefore it is better to forbear their Execution, than put them in Execution.

The Proposition is to be proved by an Enumeration of the Laws, that Men are pressing upon them.



1. It is not good to execute the Statute of 35th of Q. Elizab. which they who are in danger are threatned with. That which the whole Parliament thought dangerous to the whole Protestant Interest in England, and did, as far in them lay, disannul (a Bill being prepared to be signed by his Majesty) should not be thought good or fit to be executed upon one part of *Protestants*, by some particular Justices of the Peace, and the irreligious, covetous Information of a sorry sort of Men. The loss of that Bill was judged so great a loss to the Nation of *Protestants*, that the next Parliament made diligent Inquiry into the Causes of that dangerous Frustration, of what was thought as much for the Preservation of *Protestants* from Banishment by Abjuration, as for the Preservation of our Bodies from burning by the Act *de Heretico comburendo*. But if this Argument be not of force against them, that can handle a Sword better, or sign a Warrant, than answer an Argument, or that will not be reasoned out of a Resolution; it may receive some further Strength by this further Enumeration;

1. The impartial Execution of that Statute, will be ill for all the *Papists* in the Land, that, owning the Supremacy of the Pope, do impugn the King's in Causes Ecclesiastical, and have absented from Common-Prayer. They must abjure the Realm: and truly a little respect to *Nonconformists*, because they are not *Papists*, but *Protestants*; should direct our Magistrates to begin with the *Papists*, and try, if by ridding the Land of *Papists*, the Stiffness of the Dissenters may not bend towards Conformity. But to begin with *Protestants*, and leave the Enemies of the King and Church to stay behind them, that have potent Confederates, is not safe, nor kind, and respectful to *Protestants*.

*That Act was made upon the Dangers the Kingdom was in from the Papists, as appears by the Debates of the great States-men in that Parliament hereafter quoted, p. 75.*

2. It will be ill for thousands of them that go under the Name of *Protestants* of the Church of England, that may be proved not to have been at Common-Prayer in the Church or Chappel, or place where Common-Prayer is wont to be made. To prosecute *Protestants* that preach, or are present at Religious Duties, tho not after the manner of the Liturgy, and to spare them that are oftner present at a Coffee-House or Tavern, than at any Worship of God, is too partial a Proceeding, and argues little kindness to Religion, by shewing more to them that wear a Name of Religion, and not so much as a Cloak of Religion besides.

3. It is not for the King's Honour, Profit, or Safety, and therefore it is not good, that a general Riddance should be made of all Dissenters, both *Papist* and *Protestant*, out of the Land by Abjuration, when the *Papists* have many Friends that can furnish them with Arms, to make their way back

## The Conformist's Second Plea

again, with some Armies and Auxiliary Forces, to help them to pull down the Church of England, and set up what King they please.

4. It cannot be good for the Church of England, I mean the severe and rigorous tempered Men, who will multiply Enemies against them, when they see that Severities are used upon good Subjects; and the moderate and sensible Part of the Church will be grieved, to see their Brethren in the Faith drawn out first for Sacrifice.

5. It cannot be good for those Gentlemen, who have expressed their dislike of our 1<sup>st</sup> Parliaments, and that hope for another, and labour to be in it themselves, when the whole Nation see and know how friendly they are to the *Popish* Party, how hard to believe as much as a *Popish* Plot; and have, as soon as possibly they can, after their Thanks to the King for his Ruling by Laws, declared what Laws they are ready to execute. Can they think that any, besides a terrified servile *Dependent* Part of the Nation, will vote for them, or their Friends Interest? That therefore which is good for none, ought not to be executed by any; and none will, but such as are resolved against all Reason, and the highest Wisdom. —

The other two Laws are directly against *Protestant-Dissenters*.

Secondly; It is not good to execute the Five-Mile Act upon them.

1. It is not a righteous thing to execute that Law upon them, *except* they are guilty of that Crime, for which the Law doth principally and mainly provide. The Crimes recited in that Act, are, 'Whereas they conformed not, &c. nor made the Declaration in the Act of Uniformity, but settled themselves in Corporations, taking occasion thereby to instill the Principles of Schism and Rebellion into the Hearts of His Majesty's Subjects, to the great Danger of the Church and Kingdom. This is the pretended Mischief, against which that Act was made; and if so, then it cannot with any Justice be executed, but upon such as have sowed those Principles: If such have been, no Favour is asked for them. But who comes out to prove, that any *Nonconformist* Preacher hath instilled such Principles? If some have, why should those that have not, suffer as if they had? If some have, find them out; if all have, spare none; if none have, why should any suffer? If they have, those Principles are very weak and ineffectual, have had many Years to work in, and yet, for the honour of the Religion which they profess, no Rebellion hath been as much as moved. Was their *Nonconformity* a Crime? they patiently bore the Sentence of the Law. Their living in Corporations could be no Crime; their preaching Orthodox Doctrine could do no hurt to Church or State; their not taking that Oath, was no greater Crime in them, than in all the Lords and Commons, who then and since have argued against it, and opposed it. To instill the Principles of Schism and Rebellion, must be the

the Crime; now if none of them have been guilty of that Infiltration, it is not good, because not just, to execute the Laws upon them.

2. It is not good to execute that Law upon Dissenting Protestants, which at first making was promoted by Men Popishly inclined, and since appeared to be Papists, and was never executed but in favour of Popery, and was opposed by Loyal Protestants. I know not in what Rank of Protestants to place him, with whom this Argument is weak, except among those good-natured Protestants, that have served the Popish Designs. Who were the Promoters of it, but Sir Thomas Clifford, (since Lord Treasurer, and a professed Papist) Sir Solomon Swale, and Sir Roger (or Tho.) Strickland, that since appeared to be Papists? Who more opposed it, than the wise and Loyal Earl of Southampton, Lord Treasurer, Earl of Shaftsbury, who scented the Popish Plot, and pursued it before many were aware; the Lord Wharton, and others, firm to the Protestant Interest? Take the good Sense of an Honourable Member of the Parliament at Westminster, in the Debate of the Bill for uniting Protestants. 'But suppose we should follow this Advice, and make new Laws, and require a severe Execution of the old; how can you imagine, that as long as the

*Growth of Popery, under the Name of Andrew Marvel, Esq.*

*Decemb. 21. 1680. Exact Collect. of Debates, p. 211, 212.*

'Popish Interest is so prevalent, the Execution of such Laws shall be continued longer, than may be subservient to the Interest of that Party? Have we not had a sad Experience of this? Hath the Oxford Act, or that of the 35th of Q. Elizabeth, or any other against Dissenters, been executed in favour of the Church? (note this, all that think it a Service to the Church.) Are not the Dissenters as many, if not more now than ever?—And is there any thing more visible, than these Laws have been made use of to serve the Popish Interest, or, as Engines rather for the Affairs of the State, than the Church. — If the Oxford Act, and other Acts against Dissenters, were projected in favour of the Protestant Religion, it was strange they were so much promoted (as many Members now here, who did serve in those Parliaments, do remember) by Sir Tho. Clifford, Sir Solomon Swale, and Sir Roger Strickland, who have since appeared to be Papists. — Sir, I am afraid the Name of the Church hath been strangely made use of to bring in Popery, &c. Upon which, Resolved, that the said Bill be committed upon the Debate of the House for uniting Protestants.

The last Act to be executed, is that of 22 Ch. II. c. 1. *Seditious Conventicles prevented and suppressed.* 'The Persons against whom it is levelled, are described to be Seditious Sectaries, Disloyal Persons, who (Hypocrites) under pretence of tender Consciences, have or may contrive Insurrections.

Insurrections. Concerning this Act, let us observe the Time when it was enacted; it was *Anno* 1670. Since which time, we may not pass over, without loss to the Argument, how the Thoughts of our Governours and Law-makers have turned to another point; and that very Parliament, which was observed for a very great part of it to be young Gentlemen, growing older, grew more cool and moderate towards differing *Protestants*, and more suspicious of *Popery*, and the more resolute they grew in maintaining Property, and the Protestant Religion, and to break the Arms and Legs of growing *Popery*, the more temperate they grew towards the *Non-conformists*: Not to take any Strength from his Majesty's Declaration of *March* 15. 1671, because it seemed to tend to the Propagation of *Popery*, and was recalled upon the Parliaments Representation, altho some wise Protestant Statesmen thought that Declaration would be a Kindness to Dissenters, and no greater Injury to the Church and Protestant Religion, from *Popery*, than they received by *Popery*, growing apace under the Bignity of a Connivance and Favour of great Men. Not to take hold of this, to shew that the King thought fit to mitigate the Rigor of that Law, the very next Year after it was enacted. That which gives Strength to my Argument is this, That at the next Meeting of the Parliament, which began *February* 24. 1672, an Act passed against the *Papists*, and a Bill was presented by the House of Commons to the Lords, in favour of Dissenting, and for uniting Protestants, which (as some that have as much reason to know as any who write) would have passed, if they had had time to sit; and from that time, that long Parliament, who had made the Act against Conventicles, how resolute soever they were against an Indulgence, *Feb.* 15. 1662; they saw the Incompatibility between the Execution of their own Law, and the Preservation of the Protestant Religion, and saw a Necessity of uniting Protestants, at the same time, when they saw our encreasing Dangers from the Increase of *Popery*. And our several Parliaments since have reasoned upon the same Principles and Foundations, once again, so far as to commit a Bill to unite all *Protestants*. And now I have prepared my self for this Argument; it is not well done, and cannot be good for the Church or Kingdom; (and if not good to them, it should not be thought good by *Protestants*) which that very Parliament that made the Act, and many other Parliaments, thought not good for the Church and Kingdom. For some particular Magistrates, upon the Information of some self-seeking Informers, to execute the Laws against the Sence of the *Legislators*, who should (and certainly did) best know what was for our good, is to oppose a private Opinion to a publick Deliberation, and a private Spirit against a publick. That I may draw these Reasonings to a Conclusion, it is not a due Execution of the Laws,

except

except it be upon the Persons, and to the ends intended in the Laws. But if you would execute the Laws upon the proper Objects, you must execute them upon *Seditious Sectaries, disloyal Persons, very Hypocrites, that do under pretence of Religious Exercises, instil Principles of Schism and Rebellion into the Minds of the King's Subjects.* The Law goes upon such a Supposition, and to prevent such Mischiefs; but if there be no such Meetings, to such a Tendency, there are no Persons that deserve such Executions: If there be, let them be tryed, if there be not, of all times, is there no time but this, for Protestant Magistrates to go upon the Information of Informers, to give Countenance to a Scandal, that *Protestant Dissenters*, are as pernicious to the Government, as confederated *Papists*? And that *Protestants* should act contrary to their Principles, contrary to their Interests, to bring certain Ruine upon Themselves, Families, and Friends, without any the least hope of Relief, or mending their Condition! A Game indeed! to set Informers to find a Hare, when they should run down the Fox.

If this be not to sin against Love to *Protestants*, because of some Omissions, or against Knowledge, it is sin against Sense, and many Years Experience. If you do really believe, and can prove by full and honest Evidence, that such Men have preached such Doctrines, take them as Traytors, and never proceed against them as Dissenters, for preaching in a manner different from the Liturgy.

These Arguments proceed from consideration of the Laws, and are but my first Head of Arguments.

The second sort of Arguments is drawn from the Fact, for which the Dissenters are to suffer.

The Crime, *primâ facie*, is preaching in a manner different from the Church of England, and not according to the Liturgy, to numbers above Four, besides the Household. This is the Fact. The Proof of it, is either by Confession of the Parties, which we will not suppose, or the Notoriousness of the Fact, which needs further proof; it all depends upon the Oaths of two Witnesses. What do they depose? They (who perhaps know not what an Oath is, nor what a Sin Perjury is) depose, That *A. B.* preached at such a time or times, in such a place or places, to such numbers, against the Statute. But what if the Preacher preached true Doctrine? exhorted to Peace and Holiness, Obedience, Justice, Mercy; and not one word tending to Schism or Rebellion? What if the Person be a Loyal Subject? These things are out of the Question, out of the Deposition. But if these Witnesses cannot depose, that such a Preacher is a Disloyal Person, his Preaching to be to instil Schism or Rebellion, or to move to Insurrection; then if the Execution be according to the Deposition, it is Execution upon Persons not intended by the Law, and for preaching  
not



not forbidden by the Law; for the Law forbids not preaching, but to such an end. There is one Catching Circumstance, It was above the Legal Number: But yet one would think that that should not be a Crime, except Rebellion and Insurrection be the intention of the Person, and the effect of the Thing. For many, for five hundred to hear a good Sermon, in a peaceable manner, is in it self no Crime, the Number, and the Preaching must be to an ill Design, in the Intention of the Law: For it were impious to forbid Preaching in it self. The Evil of it must be in the evil of the Matter, and evil of the Design; and by Consequence, only such Preaching, and such Numbers, are liable to the Penalty, that is, of a destructive or offensive Design; unless you punish for Preaching, which is good, separate from the Design, as evil. This premised, my Argument is this;

It is not good but evil, to punish well doing, as if it were evil doing; and to punish Preachers and Hearers, that never preached nor heard Rebellion or Sedition, as if they were the highest Criminals in a Kingdom.

But to issue out Warrants, and execute them upon Persons, when nothing is proved against them, but what is good and not prohibited by the Law, as evil in it self, (but only as Evil, when directed to an evil end and design) is to punish such Persons, that have not preached, nor heard Rebellion and Sedition, as if they were the highest Criminals in a Kingdom: therefore it is not good, but evil, to punish them for what they do.

To punish a Fact, that in the Intention of the Persons, or nature of the Thing, hath no tendency to Mischief, to be prevented by the Law, is not good but evil; because the Execution is not directed to the end of the Law, and by Consequence it is no legal Execution.

But to execute the Law for preaching, and hearing, upon Preachers and Hearers, whose preaching and hearing hath no evil tendency to Sedition, Rebellion, Insurrection, or Schism, is such an Execution. Therefore it is not good, but evil.

The Minor is proved from the Peaceableness of the *Nonconformists*, Piety of their Principles, from the many Years Experience and Effects; and seditious, or rebellious, or schismatical matter, are not the things sworn against them, nor can be sworn; but preaching to such Numbers, and hearing in such Numbers, and in a manner different from the Church of *England*, which may be, and yet not ill, and may not be so for all the *Informers* know; it serves their turn to hear a Voice, and to see such Persons met together.

*Obj.* But the Law forbids such Men to preach, as conform not, swear not, and in such manner, and to such numbers of Persons: If the Laws be good, it is good to execute them. —

*Answer.*

*Ans.* The Law forbids such Men, as are *seducing Sectaries, disloyal Persons, to such an end, as was often named.* And such Persons, and such Religious Acts, abused to a wicked end and purpose, and none else. If the Persons are not such, nor the Religious Exercises so abused to such wicked purposes, then you must hold that either the Laws can, or do forbid those Men that are good, to do that which is good, and so forbid absolutely that which is good; which is to scandalize the Law, and them that made it; or you must yield the Execution to be ill, or illegal, except those Persons, and Actions be taken relatively to those unlawful Designs, which if proved, they are Criminals of another nature; and if it cannot be proved, they ought not so to suffer, as if they were what they are not.

My third Argument is taken from the Consideration of the Persons, and of the Acts. 1. They are *Protestants*; if ye believe me not, try them. 2. They meet for Religious Exercises, and holy Ordinances; not for Sedition or Rebellion, or to move any Insurrections; if the contrary can be prov'd, I'll grieve and pray, but never plead for them. But both the one and the other is evident; that which is sworn against them is neither Sedition, &c. but Preaching, as was said before. Hence I form my Argument.

It is not good, but evil, to use Dissenting *Protestants* worse than ever *Papists* have been used.

But to execute those Laws upon Dissenting *Protestants* neither for Rebellion, nor moving Insurrections, is to use them worse than ever *Papists* have been used. Therefore it is not good to execute the Laws upon them.

It is to be more rigorous towards our Brethren, and such as agree in one and the same King, same Laws, same Worship as to the substance of Christ's Ordinances, and are willing to unite, than you are towards Men that own another Supremacy, King, and Bishops, are idolatrous in their Worship, and are for rooting us out, and not taking us in, without hazard of the Truth of Christ, and Hypocrisy, and Eternal Life.

To punish *Dissenters* for preaching, and other Exercises of Religion, because to such Numbers, and not in such an uniform manner, is to punish them for Religion. If Religion be the Cloak, and Rebellion or Sedition be the Mischiefs to be concealed and conveyed under it, then Religion is but a pretence, and that cannot excuse them from suffering, which doth highly aggravate the Sin. But if neither be inferred from their Principles, nor infused into their Exercises, then there is no danger to the King, in his Life, Prerogative, nor Authority. If neither hath been found in any of them, it is not justly imputable to them; and then, if their Preaching and Prayer be the Act, for which they suffer, they suffer for that which no

*Papist* ever suffered for alone. For the clearing of this, and proving of it, I will distinguish Punishments, into Capital, and Pecuniary on Real. No *Papist*, whether Priest or Lay-man, ever suffered Death in *England* for Religion, but for Treason; and their fore-acted Conspiracies and Treasons, constrained Queen *Elizabeth* and King *James*, to make Laws for their

*Vid.* Torturam Torti.  
*per. Ip. Cicestriensem.*

*Bp. Andrews* p. 145,  
146, 147.

\* *The Execution of Justice in England, not for Religion, but for Treason.*

Reprinted at London, 1675.

own preservation. This is proved by King *James*, and all our Protestant Writers against the *Papists*; I need not quote particulars: This is particularly proved in a particular Treatise, penned by the directions of the Lord Treasurer *Burleigh*, as the learned Publisher of the Collection of several Treatises, tells us in his Epistle, concerning the Reasons and Occasions of the \* Penal-Laws. And what is there proved, is acknowledged by the Secular Priests 1601, in their *Important Considerations*. But if our *Nonconformists* should be prosecuted upon the 35th of *Eliz.* if they will not conform upon their three months Imprisonment, they must abjure the Realm; and if they go not away, or return without the King's leave, it is Felony, and that is Capital. And if it be *Nonconformity*, it goes under the name of *Conscience*, and for Religion, without any guilt, or proof of Sedition or Treason; and so they will suffer for Religion, and for no other but the *Protestant Religion*, what *Papists* never did but for Treason. And the Queen past over many justifiable occasions, of an earlier severity: The Supremacy of the Pope was a tender point of jealousy, and a trial of the Queen's Patience; but she was not kindled by it, but suffered many that were in that point for the Pope, and against Her, to enjoy their Estates, and Honourable Liberty, with Men of as great Quality as themselves, or in their own houses. Dr. *Heath*, Arch bishop of *York* and Chancellor to Queen *Mary*, enjoyed his Estate, and Liberty in his own House till his Death. Dr. *Poole* Bishop of *Canterbury*, Dr. *Tonstal* of *Drucism*, Dr. *White* of *Winchester*, Dr. *Oglethorpe* of *Carlisle*, Dr. *Thirlby* of *Ely*, Dr. *Watson* of *Lincoln*, were not pressed with any Capital Pain, tho they maintained the Pope's Authority against the Laws of the Realm: and some Abbots, &c. as you may see it in the aforesaid Colle-

*Important Considerations*, p. 54.

tion, 1st Treat. p. 10, 11. and acknowledged by the Secular Priests, — 'while her Majesty and the State dealt with the *Catholicks*, as you have heard (which was full eleven years, not one *Catholick* being called in question of his Life, for his Conscience all that time.) Consider how some of our Profession proceeded with them. Her Highness had scarcely felt the Crown warm upon her Head, but it was challenged from her by some of her Neighbours, as Mr. *Saunders* noteth, &c. p. 55.

Let



Let us pass from Capital to Pecuniary Mulcts, and compare them. Of all the Laws against Popish Recusants, none seems more to punish them for Religion, than their not coming to Church, and their saying or being present at Mass; and the Fines imposed for those Acts of theirs, The Forfeiture upon him that saith Mass, is 200 Marks, and a Years Imprisonment; upon him that willingly heareth Mass 100 Marks, and Imprisonment for

*Ann. 23d. Eliz. c. 1.*

a Year; for not repairing to Common-Prayer, 20 l. every Month, and forbearing to come within twelve Months, shall be bound in a Bond of 200 l. to the good Behaviour. But besides the Idolatry of the Mass, these Laws do not proceed against the Mass, as an Idolatrous Worship, \* and as it is Religion; but as there is Treason against the Government in that Worship. For the Mass is celebrated by a Priest, and a Priest receives his Ordination from the Church of Rome, and is a Subject to the Pope's Supremacy, acknowledges his Jurisdiction, and denies the King's in Ecclesiastical Affairs. There never was any Treason without a Priest in it, (nor Mass without a Priest), says Bp. Calton. The very Form of Submission enjoined to all them that conform to our Laws, and come to Common-Prayer, doth evidence this Truth.—'And do acknowledge and testify in my Conscience, that the Bishops or 'See of Rome hath not, nor ought to have any 'power or Authority over Her Majesty, or within 'any of Her Majesties Realms and Dominions, &c.

\* *Nemini potest esse obscurum, Leges que feruntur, multas que dicuntur hic apud nos in Recusantes, ferri & dici non Religionis causa meræ, sed mixtæ; mixtæ cum malâ Mente & Fide in Principem; nec nisi in Recusantes Bullator. Tor. Tor. p. 132, 133.*

*35th Eliz. c. 2.*

But our Nonconformists, will willingly renounce the Papal Jurisdiction, and own the King's Supremacy, and refuse not the Oaths of Allegiance and Supremacy, which the Puritans of former times refused not, but took. Mr. Baxter professeth in the name of the Nonconformists; The Article of 'Religion for the Power of Kings and Obedience 'of Subjects, we need not transcribe, but do consent to it; so we do to the Canons, which require 'the Oaths of Allegiance and Supremacy, and answerable Obedience to all the Homilies against Rebellion, and for Obedience, and all that ever we found to be for this, the publick Doctrine of the 'Church. Mr. Baxt. 2d Plea for the N. C. p. 86. f. 10.

*Vid. Bp. Andr. Tortur. Tort. p. 110. & 379. — Proferuntur, subscribunt, jurant indices.*

Their Worship is pure, but in the sense of Laws defective, as not being with, or according to the Liturgy. And what manner of Protestants,

they

they are, let their publick Confessions, their private Writings, and their Morning-Exercises against Popery testify, Which of all the 1800 or 2000 Ministers cast out *Barthol.* 1662, was ever found, or suspected to be, in any Conspiracy against the King or Government, how ill soever they have bin used? There are a reviling sort of Rake-Fell Scriblers, that they may find but a Brand, or a Coal to smutch any of them with, and who transgress the Act of *Oblivion*, which the Royal Party did need, as well as the other side; for all they did without lawful Commission. But since the days of the Flood of Confusions and Miseries, which of them all is guilty? I write this for the honour of our Common Profession, and for the Glory of God therein. And yet, bring them to account upon the five Mile Act; and how many Forty Pounds? And upon the Act against Conventicles, then Twenty pounds for every Sermon by the Preacher, and Twenty pounds the Master of the House for every Sermon the first time, and Forty pounds the second, and afterwards for every such Offence Forty Pounds &c. How highly will two Sermons a day amount! and five shillings a time to every Hearer, &c. And it is enacted that the Law be construed most largely and beneficially for the suppression of them. Our Justices have need of Mercy! and for Encouragement to the unskilful Justice, no advantage shall be taken for any default in any Form, or Proceedings. The Law by this security and indemnity hath been very merciful to many Justices, not trained up in the Formalities of the Law; by way of recompence let them be the more merciful to the many honest Offenders, that worship God in Christ with their best Judgment, or upon involuntary Mistakes.

My last positive Argument shall be this, and I appeal to any Man of discerning, whether upon the first hearing of it, he be not taken with it, if not overcome.

It is not good. (no Man can say it is good) to execute the Laws with a like heavy hand upon all, and every Offender, without making a difference between one Man and another, between one offence and another.

There may be a considerable difference between one Preacher and another, one Hearer and another, one place, and one time and another. But the Penalty sweeps all before it.

*Obj.* The Law makes them all alike, therefore the Executioner must act by the Law; the Ballance is out of, and not in his hand.

*Ans.* True; but how? still upon supposition of the evil Intention, or what was the Cause or Reason of the Law, and then I confess, the Punishment is but moderate, upon the least and weakest Insulter of Rebellion, or Mover of Insurrection.

Justice is impartial; but never so impartial, as not to examine Circumstances, which make an alteration, or difference between Things and Persons.

Persons. Crimes have their Mitigations as well as Aggravations; and Judges will weigh them before they proceed to Sentence, and temper Judgment with Mercy; it moves a compassionate just Judge to pronounce a deserved Sentence. The Justices are to require the Execution of these Penal Laws, but with no distinction, and no more Mercy, than the hungry Informer, who perhaps hath wasted his small Fortune in a sinful way, and acts upon no better Principle than Covetousness, and Anger against Religion, which he never loved so well; as to practise, nor ever learned so far as the Church-Catechism.

Must a Loyal, Learned, Laborious Preacher, that preacheth the greatest Truths of the Gospel, and preacheth Holiness and Peace with the greatest Fervour, that never taught any Defection, but from the Prince of Darknes, and the Law in the Members; that persuades Men to be reconciled to God, to take Christ's Yoke, to learn of him; which whosoever doth, deserveth the esteem of the best of Men? Must such a Preacher pay so dearly for spending his Days, and Strength, and Pains, to do good to Souls, to mend an evil World? and no Consideration had either to his Merit, Soundness of Judgment, Holiness of Life, Peaceableness of Behaviour; but he must suffer as if he was a dangerous Novice, a Corrupter of Manners, and a Sower of Tares? No respect to his Gray-Hairs, the chargeableness of a diseased Body; to the many chargeable Removes he hath made, to the Dependence of a Family, for Subsistence, &c. No Commiseration to the poor and needy! Is there no allowance for a Man to preach, where multitudes of Souls do perish for want of Knowledge? and others hunger for the Word, and have none to guide them, but perhaps one that cannot guide himself! What if a man spends his pains in a place where there are many parishes, that consist of many Hamlets, and all cannot, that would, come to Church, especially in Winter-time? What if a good Man preach in a Parish, where are many that cannot hear in one place? What if a Man take pains in a place, where to many Churches there is no Maintenance for one Minister, to live like a studious and sober Man, such as no Man will accept, but the young and unexperienced, in hopes of a better in time? yet shall there be no regard had to these, or many more Circumstances that made the Labours of good Men necessary and profitable? But it is hard when that which deserveth Thanks and Encouragement, shall be rewarded with ruine to a Mans Estate, to a Mans Health and Life, and be baited by Reproaches, as he goes to the Justice, or as he is sent to his Prison! so was good Mr. Joseph Allen used.

I have staid a great while upon the Positive before I am come to one step of the Comparative. But if I have laid the ground-work well, my Comparative will rise apace, and stand firm.

For my clearer Procedure, I will lay the Comparative between two.

1. Compare the Good you aim at by the Execution of the Laws, with the Good of forbearance of that Execution.
2. The supposed Evil of the forbearance, with the real Evil of the Execution.

First, The Good you aim at, by the Execution of the Laws, may I think, be reduced to these Heads expressed in the Acts of Parliament; for you cannot aim at any Good by the Execution, but that which was aimed at by the Laws which you execute. I will name them particularly, First, For the preventing and avoiding of such Inconveniences and Perils, as might happen and grow by the wicked and dangerous Practices of seditious Sectaries and Disloyal Persons, by settling in Corporations, thereby taking occasion to distil the poisonous Principles of Schism and

*Act XVII Ch. II.*  
*Nonconformists restrained from inhabiting Corporations.* An. Car. II. 22. c. 1.

Rebellion, to the danger of the Church and Kingdom. For providing speedy Remedies against growing and dangerous Practices of Seditious Sectaries, &c. contrive Insurrections (as was said before.) These are the Benefits you aim at, if you aim according to the Law. Compare the Histories of the times with the Laws, and you will find that the *Nonconformist Divines*, who pleaded for the Discipline, were not so branded; such as *Mr. Cartwright*, and others of his way. But (besides the *Papists*, which that Law strikes at a'fo) before that Law was made, *Hacket*, *Arbington*, and *Copinger*, had shewed themselves; and what were they but *brainfick*, mad, ranting *Phanaticks*, and *Blasphemers*? And after the Law was made, who were taken and punished (as *Mr. Cambden* observes) but *Barrow* and *Penry*? and what did they suffer for, but for seditious Books? *'Barrow* and his

*Annales.* An. 1593.

*'Sectaries* did *show monstrous Opinions*, condemned 'the Church, did derogate from the Queen's Authority in Ecclesiastical Matters. And what danger the Queen and State were in, from the *Papists* at that time, may be seen both in *Mr. Cambden* and the Reverend *B. Carleton*, both from publick Enemies, and secret Conspiracies; *Dr. Lopez*, (the *Sir George Wakeman* of those days) being then Physician to the Queen's Family) was to poison the Queen. Protestant Princes should beware of *Jewish* and *Popish* Physicians.

*Thankful Remembrance of God's Mercies.* c. 13.

*Mr. Towne Shend's Historical Collections of the 4 last Parliaments of Eliz.* infra p. 75.

But

But *Lopez* ended his days at *Tyburn*, he could get no further.

What Poison our *Nonconformists* did infuse into Corporations, or what Insurrections they moved; I do not hear, nor read of any Insurrection, but in the North, by some of the discontented Army, when frustrated of their Hopes; and of *Venner* and that desperate Company. Another Plot I have somewhere read of, of *Green*, and other *Phanaticks*, blown up and

incensed by the *Jesuits*, to take away the King, and burn the City; when those deluded Men were engaged, the *Jesuits* gave them the slip, and left them the Halter, April, 1666. But

which of all the *Nonconformist* Preachers was in any of those Designs? There is a difference between the time of making and of executing the Laws; Suppose there was apparent danger (suppose it, which is more than I or others know) then from *Nonconformists*; yet if now we have

the Experience of almost twenty Years, of their

Loyalty and Peaceableness, why should the Laws made against them that may be Transgressors, be executed upon them that are not Transgressors?

The Law is to prevent a Fact, but the Execution follows it. The Law may proceed upon Supposition, and suspect such a thing may be; but the Execution goes upon proof, that such a thing there was. If such an Evil cannot be proved, why should the Penalties be imposed?

Now they who are urgent for the Execution, must hold this, That it is better for the King, his Kingdoms, and the Church, to punish the *Nonconformists* according to Law, than to spare them. How vain and unreasonable a Proposition and Judgement is this, when we do plainly see the King, and Kingdom, and Church are safe from any Conspiracies, or ill Designs, or poisonous Infusions from any of them: Certainly if any City or Corporation be in danger, it is *London*; but, to God's Glory be it acknowledged, none of their Preachers have proved seditious. What a convincing Proof did *London* give of their Loyalty and Valour, in that furious and astonishing Insurrection of *Venner* in the City? Were not the *Dissenters* then in Arms? and were not their Numbers great? How easy had it been for them to attempt, at least, any ill Design? but as their Loyalty took up Arms; so their Loyalty laid them down. And, let some say what they can, are there any Men more severe than *Dissenters*, in point of Ceremony, against Heretical Blasphemers, and unruly Sects? not only as differing from their Models and particular Humours, but as contrary to the Fundamental Principles of Religion and Government? The severity of *New England* and other Places, are Proofs beyond denial of this Observa-

tion.

*The Story touched by Sir H. C. in his Speech in Parliament. October 26th, 1680. See in Dr. Oates's Narrative, Article 34. p. 22. Bedlo's Narrative of the Fire of London, p. 14, 15.*



tion. There is not a wise Man, but must maintain Government, and submit to that he lives under, as far as he can without Sin; and Distraction is an unfit means to a Reformation. Except a Man could certainly foretell who shall conquer, it is madness in any Man or Men, to move a War, and by Sedition to get into the Throne, and set up himself and his own way. When the *Nonconformists* are fallen mad, let them be used as such; but while there is any Wisdom in them, or these prevailing Principles of Religion and Obedience; their Enemies may bely them, and labour to make the malicious swallow as gross things as Transubstantiation, things

\* *Seditio est publicæ  
Pacis Perturbatio.* Cal-  
vin. *Lexicon Juridi-  
cum.*

against their senses; but they will confute them by their Patience. But suppose them to be overstored and set with the Seeds of Rebellion and Sedition; what is Sedition, but the *\*disturbance of the publick Peace*, as it is defined by the Lawyers. Now either they can command and restrain those ill Inclinations; if so, they are wise and quiet; or they cannot; then they are rash and stomachful. Is it not therefore better to let them be quiet while they are so, than provoke them by Mulcts and Ruine to make Insurrections? especially at such a time when we have Enemies in our very Bowels, that can take the advantage of a Diversion. The State can get nothing, by the best effect of troubling of them, but Peace, and that is had without troubling of them: It is better to forbear a needless Trouble, than to make it.

But secondly, It may be thought better for the Church, to execute the Laws upon them than forbear them, and therefore it will be better for the State.

For the proof of this, there is one end proposed by the Law, in reference to the Church, to prevent, or cure the mischief of Schism. It is but vain to talk of preventing Schism; the Seed of that was scattered before and took Root; the thing now to be desired, is the Cure of the Distraction, or Schism: The Method of curing, is by an effectual Application of Law and Power; of which Application, there are but two things to be looked for;

1. A gaining of the *Dissenters* to the Church, and that is Union; A happy Effect! if it can be produced.

2. The second Benefit will be, A Reduction of them to their stinted Numbers of Four besides the Household; you can never suppress them by this Execution; for the Law hath provided against a total Suppression of them, by a tacit allowance of different Worship to such a Number.

It pass over one Advantage, which may be aimed at; It will drive some out of Corporations, and further from their former Parishes, or Places of Residence,

Residence, for this is but inconsiderable. For first, many have taken the Oath and explained their sence, they may stay; and for them who have not, they may exchange with others; and you are but where you were; except the putting of them to a new, and greater Charge; which is not merciful, except you propose a publick Good: Besides, Corporations can choose Parliament-Men without their Influence or Direction, if that be of any Consideration.

To the first of these two, I observe your Proposition is this, *It is better to gain, and unite the Nonconformist Dissenters to the Church, than to permit them to meet as they do.* That's granted you in the general, but come to the way and means, and assume this: But the severe Execution of the Laws upon them, will bring them in, and unite them; therefore *dictum factum!* But do you think so in earnest? You may as well say, that Informers were ordained to convert Souls, to reclaim straying Schismatics, and that there is more Power in Law and Justice, than in Law and Grace.

But first, How many *Anabaptists* and *Quakers* have been converted by Excommunications, Imprisonments. and Fines? or any others?

2. You may restrain many from going to Conventicles, that's certain, but what's the Church the better for that? They go not to Conventicles, but may they not stay at home, wander abroad, and do as thousands of our miserable Persons do, that come to the Font by Baptism, but not near the Pulpit and the Communion-Table! But suppose these Conventiclers will be better then thousands, and come to Church; then either they are convinced, and change their Judgments, or retain their Judgments, and still hold Schismatical Opinions. How can you expect to change their Judgments, or gain their Affections, by punishing or threatning? The greatest Good you can propose to them, is to bring them to parish-Preachers. But what if either want of Preaching, or want of good profitable and intellligible Preaching, was the cause of their going to them they liked better, and got spiritual Good by? Indeed if you could engage to them, that if they forsake their Preachers you will provide holy, profitable, and painful Preachers in all places, which you can never do, then you might gain them? but if they come to our Churches against their Judgments, then you convert the Schismatick into a Hypocrite, or Atheist, and to serve God, because it is the Religion of the Country. And what will the Church be the better for such? Alas! we have more of such already, then we know what to do with,

3. Is it probable you will ever gain such to an Uniformity, that have been many Years settled in their Dissatisfactions? and from the first day of their Ejection reckoned what it would cost them? and since these Additional Acts have been made, are as resolute as ever; and that are so

convinced it is their Duty to preach, and hear, and worship God in the way they have chosen, that they look for a Reward in Heaven ! Is it likely that they who think their present Sufferings will be rewarded in future Glory, will for their temporal losses of Goods, &c. be converted by a Warrant of Justice ? It can never be rationally expected ; you may ruine them, but it is next impossible to bring them over to the Church, as long as the matters of Offence remain unremoved, or abated,

4. Was ever a *Nonconformist* before the Year 167 , or 71, brought to Conformity by that Severity ? You may rather think they will do, as then they did, be more retired, but as much resolved. And that which is, as you account better, seems to me either unattainable, or undesirable. If they may not have Liberty to meet in publick, they will take that course which is left them ; and that is to meet not exceeding four ; besides the Family : And then your Proposition will be this, It is better to force the *Dissenters* by severe Penalties to their private Houses, and their stated Numbers, than permit them to meet as they do, contrary to Law.

Well then, you say it is better to confine them to their Houses, and to the Number four over and above, than to permit them as they do. But for what Reasons ? observe we are upon this Head, as it is better for the Church. And that to cure or prevent further Schism, I can imagine but these Reasons for it :

1. Because their Nonconformity will not carry such a direct and open Opposition to the established Worship.
2. Because they cannot corrupt such Numbers.
3. This will break and weaken them.
4. Because, when it will be so difficult for them to meet, they may rather, being tired, come to our Parish-Churches.

But will you conclude your Argument upon any, or upon all these Reasons ? which is, That it will cure the Schism, and prevent instilling Schismatical Principles. Let us come up to the first.

First, I say, that you cannot prove the publick preaching of the *Nonconformists* to be an Opposition to the Church, any more than the *French, Dutch, and Lutheran Churches*, and Preaching : To preach the same Doctrine (as to the general matter) to the same holy Design, Instruction, Conversion, Edification, and Salvation, to pray and praise God by the Spirit in the name of Christ, is not a way opposite to the Church of *England*, or contrary to it, but only private it is, as to the Omission of the Form or Liturgy. The Agreement and Consent, and Cooperation, is greater than the Difference or Dissimilitude. If they preached contrary Doctrine

Doctrine to a contrary End, it were an open Opposition; and yet let us remember, The Jews the Enemies of Jesus Christ, have their publick Synagogue more intolerable, we may think, than the publick preaching of Orthodox Christians.

2. But because they presume upon the Favour of our Governours, if it be offensive suppose they'll forbear, doth the supposed Schism cease, by their Secrecy? not at all: But here seems to be a greater Schism, or Separation (such as it is) than the publick. 2. Because here's Private in Opposition to Publick. The Conformists worship God openly in Churches, they privately in a Room. 2. Because if this meeting in private be schismatical, it is the more legal, and the more legal, the more safe and secure. 3. The Schismatics, (I'll call them so for fashion sake) are multiplied by this means. Break up the publick into twenty or forty private ones, and then for one in publick, there will be twenty or forty Schismatical Meetings. It is true, they are still obnoxious to other Laws; but they are discharged from the Severity of this, and thus you count the Multiplication of Schismatical Separate Meetings, a Gain to the Church: take it? see what you get; your Will; and what more?

Your second Reason is, Because they cannot corrupt such Numbers.

But, 1. I say Orthodox Preaching and Praying, is not corrupting; I have shewed them to be able and sound Men.

2. Multitudes will grow more corrupt, for want of their sound and frequent Preaching. *Vid. Page 60 of the*

3. If they be heretical and erroneous, they will do more Mischief by this keeping within the compass of the Law, than by presuming beyond the Law. *Plea, first-Part.*

4. But corrupt or not, is not the point, the Schism is not healed by it, therefore it is not better to restrain them from publick, than connive at them, or indulge them a publick Liberty.

Thirdly, you say, This will break and weaken them. It may do so indeed. But except the Church gets them into Conformity, which it is not like to do (as was said before) how is the Schism cured? but in deed sound Christianity will be in danger of losing, and our Church pa it hope of getting.

To your fourth Reason I answer.

1. True, it will be difficult, and inconvenient for them to meet; they will tire and kill their Preachers; but what gets our Church by that? Is the Schism repaired?

2. They will (I'll say as you would have it) come to Church, but whither, and to whom? to some few famous Preachers; for they will hear but the best, till there be no room? and what then? Those famous Preachers shall bear the Reproach of being popular, and Fautors of the Faction, and inclining to the Party, and will be thought of little better than the *Nonconformists*; and how will the Wound be healed when Emulation and Envy encrease, and the *Dissenter* will be a Temporizer, and a Church-Schismatick; and the *Conformist* that tolls him in, called a *Nonconformist in Heart*. Now you having shewed (for now I fancy my self disputing) the Good of Execution, and have not gained the point; give me leave to shew you the Good of Forbearance of the Execution; and as bad as things now are, they are better than they can be, if Rigor be used.

It is an unspeakable Mercy, that things are no worse, that things are so well as they are between *Protestants* this day in *England*. I do not remember, when it was ever better, especially considering the means that have been used to break us; yet there is nothing in this more to be desired, than either a Christian Forbearance, or a Composition with our dissenting Brethren in Christ, next to Heavenly Communion with Christ. But better things should remain as they are, than be made worse, by drawing the Sword, tho in the quarrel of the Church. I do not now meddle with the Controversies between the Church and *Dissenters*, to justify the Separation; altho in my own Judgment, I call it a different way of worship, of Professors of the same Faith, and not a Schism or a Schismatical sinful Separation. The Church of *Jerusalem*, might better call the Gentile Churches Schismaticks, than we can call them: and the *Romanists* may with more Reason call us Schismaticks, than we call one another; for we broke off from that Church, established by the Laws then in being, and in long Possession; we separated from them principally for imposed new corrupt Doctrines and Conditions of Communion, and justify our Separation, and will not suffer our selves to be called Schismaticks; They have a Creed and a Worship, which was never in the Word of God; our Brethren agree in the same avowed publick Creeds and Doctrines, and all the parts of Gospel-Worship. And it is more brotherly to denominate them from their Agreement with us, than from their Dissent and Disagreement from us.

— But I must not digress, and this I humbly submit.

The thing now to be done, is to make the best of our Differences, and what's best to be done as the Case stands. It is better, as more conducing to the ends of the Laws, by which you proceed to suppress them: Therefore it is better. The ends of the Laws have been declared above, as respecting the State and the Church.



1. With respect to the State. When they Preach in publick, they are known to be the same Men, that upon Principles of Loyalty, and Conscience prepared the People, or concurred with the Loyal Nobles, and Gentlemen and Commonalty of *England*, to bring back the King. They are known to most places in the Land, which had reason to account them a Blessing to it, their Judgments and Practices are known, and while these are in the head of the younger *Dissenters*, they are as Directions and Examples to them, to keep them from dangerous Excursions. When His Majesty was moved to grant an Indulgence, the indulged were to give their Names, and their Places, which they did, and this was cautiously done, for the safety of the Kingdom, there being less danger from a Person to keep within tolerable Bounds. Our greatest Dangers have been from persons of many Names, many changes of Wigs and Habits, and moving up and down the Land in secret, and Disguises.

2. It is better for the State. For when learned and good Men have their publick Liberty, they will by sound Doctrine, teach, perswade, exhort, reprove, instruct the People in their Duties to God, to the King, &c. Charge them to be subject to Principalities and Powers, and to obey Magistrates. And while they preach sound Doctrine, one end of the Magistrate's Care of the State is obtained, which is to maintain sound Doctrine.

3. They cannot possibly sow Sedition, or move Insurrections in publick Assemblies, if they were so wickedly disposed. The safety of King and Kingdom, and the Confidence of the King and Kingdom may rest undoubted, as to any ill Designs of those Preachers, while they preach in publick. And I do humbly offer it to the Consideration of all Loyal, Protestant Magistrates, to forbear to drive them into private Houses by their Severities, because under colour of their private Meetings our destroying, perfidious Enemies of *Rome* may sow Sedition, and further plot upon *protestants*. They may as well proclaim a Rebellion at the *Exchange*, *Cheapside*, or in a Parish-Church, as preach it in one of their Publick Meeting places.

4. It is better they should be spared than prosecuted, because they will be better enabled and more encouraged to perform other Offices and Duties to the King and State, than they can possibly, by being ruined in their Estates.

5. They have many Friends and Relations in the Church of *England*, which must suffer many ways, in their Poverty and undoing; it will be a Tenderness and Kindness to them, to have them spared and not beggared, or forced to leave the Kingdom.

Lastly, It is certain, that it conduceth more to the publick Peace: for when *Dissenters* are connived at, and gratified, they are so far obliged and

endowed; and even when their private Dissatisfactions remain, their Liberty being so far indulged, they have no cause to complain of the Magistrate; and while they are not disturbed by him, committing nothing that is provoking; they even from Interest and love of Quietness, if their Conscience of Duty lay dormant in them, will not disturb him that permits them. The publick Peace is best secured, when Men of private Opinions keep them private, and have no disturbance given to their Peace I do not speak this, as if I feared their Turbulency, but granting for Argument sake, that they have Touchwood in them, keep Fire from incensing it, and it will do no harm.

Secondly, Forbearance will be better for the Church, and prevent a greater Schism, against which the Laws seem to fortify it.

1. By their publick preaching, or as they can. We have a great considerable number of able Men, that influence the People, that are agreed with us, against the Force and Subtilty of *Rome*: therefore the more we have against them, the stronger we are. Indulge the *Dissenters*, and you secure them, but if not, they'll be afraid of you, and you afraid of them, and by your mutual Fears and Jealousies, the *Papists* get what they get, and not by meer Nonconformity.

2. By this publick way they walk with you, according to the same Rule, as far as they have attained, and that is near enough for Forbearance.

3. The Scandal that is given to forreign reformed Churches is abated and a great Example given to them that have long contended. under the name of *Luther* and *Calvin*, and others, of Calmness and Forbearance.

4. The Schism will come hereby to a greater Closure than otherwise it will; for when the Church is satisfied by their profitable Preaching, and peaceable Deportment, they cannot but conceive better of them, and desire a Peace and Union, and abate some things which they stand upon; and when they do taste the Sweetness of the Bishops Temper, they will love and honour them; and the Differences that remain, will appear to be only such, as may be between good Men and Brethren.

5. By this publick Preaching, Multitudes of poor Souls that know not whither else to go, and Multitudes that will go no where else, are kept in the way of Salvation, and Profession of the Gospel: And this is that, which some Divines of the Church of *England* are so sensible of, that they treat the *Nonconformists* as Friends and Fellow-Labourers; I could if need were instance in some Great Men, and great Places where this is true

The second Branch of the Comparison now comes to be handled, and then the Argument runs thus: It is better that *Protestant Dissenters* should be spared, or freed from the Penalties of the Laws, than be prosecuted; for the Evils of Execution, will be greater than the Evils of Forbearance.

I am to remember my own Question, and therefore I am not concerned in the Question, about Separation, either the Sinfulness or Excusableness of it, which hath been lately largely debated, but what is best to be done at this time, and in this posture of Affairs.

The Unhappiness and Evils of our divided State, have been considered by Divines and States-men. The Divines opened them in the Pulpit and in Print, and have driven different ways, to the same end, the Union and the Preservation of the Church; some representing the Mischief, have taken the more moderate way of Perswasion, abhorring Persecution, and have so managed their Discourse, as

to take off the People from their Teachers, and to bring them to the Church, because there is nothing required of them, but what many of their Teachers

*Dr. Stillingfl. Mischief of Separation,*

allow to be lawful: This way did tend towards Union of the People. Others have urged an Execution of the Laws upon the Brethren, withal perswading them to believe, that they suffer as Evil-doers; and this is to bring home stray'd Sheep through Briars and Thorns.

*Dr. Ashton's Toleration disapproved.*

Our great States-men have taken different Measures also. Some have moved for a severe Execution, and to force them to an intire Obedience, saying it was more reasonable they should submit to the Church, than the Church to them. Others being sensible of the Mischiefs have stated the Case more exactly, and argued for Union, and this prevailed in the Debate. No Man of Sense or Piety can be insensible of the Sickness of the Family; but whether it be better to kill some outright, or to starve them, or to suffer them to live, may be easily determined. In a case of Discord and Contention between Brothers, whether it be best to accommodate, or to determine some shall have what they would, and others shall have nothing left, comes near the Case in hand.

*Decemb. 21, 1680.*

The Dangers of a Forbearance, are the same that were foretold would be the Consequences of an Indulgence, which was opposed by the Parliament in the Year 1662. That House of Commons did argue against an Indulgence, and for keeping up the Act of Uniformity, by way of Prophecy and fore-sight of Consequences; and their humble Advices presented

## The Conformists Second Plea

To the King, contain the strongest Reasons against an Indulgence, that have been found out, and contain the great Inconveniences and Evils of a Forbearance. I will give you the Substance of them.

February 15, 1662. 1. An Indulgence will establish Schism by a Law make the Government of the Church precarious, and the Censures of it, of no moment. 2. It will not become the Gravity or Wisdom of a Parliament, to pass a Law (of Uniformity) at one Session, and pass another to weaken it the next. 3. It will expose your Majesty to the restless importunity of every Sect, and every single *Dissenter*. 4. It will cause the Increase of Sectaries, whose Numbers will weaken the Protestant Religion; their Numbers being troublesome to the Government, will, as their Numbers increase, be more troublesome, and from an Indulgence arrive at a Toleration, at length contend for an Establishment, and end in Popery. 5. It will take away all means of convicting Recusants. 6. It is more like to occasion greater Disturbances, then Peace in the Kingdom.

But as Events prove Prophecies to be true or false, so Events have proved these Arguments to be weak or strong. That very Parliament, the true Protestant Part of it, that did faithfully serve their King and Country, with the Additions made to them by a latter Election to fill up vacant Places, saw where we were, and were sensible of the Necessity of uniting Protestants by Act of Parliament, and many of the Episcopal Divines, and some Bishops were for it. A clear Discovery, that the Mischiefs of our Divisions are of that sort, that it were better an Abatement were made of some things, made necessary to Uniformity, without which the *Dissenters* will not unite, than suffer them to hang over our Heads, and come upon us.

We plainly see that many of the Reasons of the Commons ( 1662 ) are of no Force. I will observe what is of present use to our times, which is the first, And.

For the other, It became their Wisdom and their Religion to pass a Bill, taking from the Act of Uniformity, His Majesty hath not been molested with Importunities of the *Dissenters*, who have not so much as opened their Grievances, or Petitioned the King or Parliament in these many Years.

There is no new Sect appearing, nor increase of any by the *Nonconformists*, to weaken the Protestant Religion, who have used Endeavours to increase and maintain it; it is in no danger from them, they are not troublesome to the Government, are not for a Toleration of intolerable Sects and Sectaries, contend not for an Establishment, which they would rejoice in; but as becomes learned Men and rational, and with as great

a Temper, at least as theirs that write against them. The Peace of the Kingdom is not disturbed by them, and if *Popery* come in, it is against their Wills, Prayers and Pains to expose and baffle it. It is their Trouble, and a considerable part of their Affliction, that they are thought troublesome to the Government, which may by an ordinary Exercise of Patience and Love overcome the Trouble in their own Breast, which is the seat of the Trouble. And for the only remaining Evil, which is the Evil of Schism, it is clear that their Meetings are not established by Law, and a Connivance gives no Establishment to it; but if they be driven from publick, into private Families, and keep within their Number, the Schism remains, as great and greater then otherwise (as I said before) out of the reach, and under protection of the Law. What the Evils of a Forbearance are, we see, but what the Evils of an Execution of the Laws may prove, we cannot see; but morally and rationally speaking, they will be greater than now we suffer.

I must premise this; That if you all proceed with rigor, you do unspeakable Hurt; if not all, you cannot do the Good you pretend: There must be a Concurrence of all Magistrates, in all places, to take the same Course; and as you must concur, so you must be sure that the King will shut up his Royal Bowels and Clemency, or some particular Men will but become hateful to their Countries; and His Majesties Mercy will condemn their Severity. This was so well understood by an Honourable Member of Parliament, that he moved for ways to compel the *Dissenters* to an intire Obedience, and submit to the Church, by severe Penalties.

This will be the ready way to *undo all*, if any thing do it; which as to His Majesties Person and Government, I do confidently hope, and rationally believe, is but a great word of Fancy, an Oratorical Scare-crow. The mischiefs of our Separation are laid open to this purpose.

1. Great Hazards of unsettling all. 2. Alienation of Hearts. 3. Advantage of our common Enemies (the *Papists*.) I borrow the Heads of Mischiefs and argue, If the Mischiefs of Separation, while there is a cessation of Prosecutions, be so great, much more when Prosecution cannot heal the Separation. but increase the Causes.

1. It will, beyond all recovery, *undo all Men*, that have been so many Years the more bold to assemble, because of the Lenity of His Majesty, and the Propensity of our many Parliaments, from 1673, to accommodate the Difference; and the inferiour Magistrates have found no evil Designs among them, to give disturbance to the Government, and many of the Judges in their Charges, have turned the point of the Sword upon our secret Enemies, that would openly do more against us all, than is yet to be



## The Conformists Second Plea

done against our Brethren; and if other Judges have turned the Edge of the Law against *Protestants*, our Magistrates have not been forward to take the Hilt and lay on; how many thousands by their Presumption upon Lenity, have been more open than they would have been? But suppose they spare the Sheep, and take away the Shepherds, the Destruction will be great; *All*, the most of them have, will not satisfy this Debt to the Law. Is it not enough for them to be dispossessed of their Preferments, to be driven from place to place, but once more they must be undone, without regard to Age, Sickness, Infirmities, Families, Debts, Poverty? If they have many Friends, their Friends must suffer in their Sufferings, if they have none, or few, they are the more undone; their Sufferings will not terminate upon them. Who shall set them up again? bring up their Children? Feed and cloath them? Their Ruine will be an intollerable Oppression upon many parts of the Kingdom.

2. Will not this unsettle the Affections, wherein the strength of Government doth consist (together with Religion and Conscience) of thousands more, than can be spared, if other Dangers arise? And if Religion and Conscience oblige them to love their Persecutors and pray for them, they will never dare to trust them. A mutual Trust and Confidence is a great Strength in time of common danger, when we are distracted in Affections, we shall be distracted in Reason, and Counsel. and when we are so, then's the time for a Popish Army to unsettle all.

It is well known that the *Dissenters* are a great, and an active Part of the Kingdom, and if they suffer by *Protestants*, they will be afraid to unite with them; and therefore to persecute them is as ill a Service, as to cut off a great and Potent Part of Religious and Industrious Men from our main Strength. when we most stand in need of increasing Friendship, Confidence and Strength. The unsettling of Affection, moving of Passion, which Religion cannot subdue in all, is an effectual way to unsettle all.

3. The Prosecution of *Dissenting Protestants*, tends to no other end, but to disunite Affections; it is to use Force without Reason, or Perswasion. The Reason of the Dissenting Brethren is as far from Satisfaction, as to our Conformity, as ever; and their Satisfaction in their Dissent, do daily increase: to use Force without Reasons, is not reasonable; and that Force which is used to suppress and cut off, must needs be to disunite the Hearts of Men. To suppress them, signifies plainly, they have no value for them, that they hate them, as unworthy to dwell in any place but a Goal, or to lie upon any Bed but Straw. They are first exiled from their good Thoughts and Opinions; next from their Affections; next they are judged insufferable; and they that would drive them out of all, would proceed to Banishment, and then he that is not thought worthy to live with

with us in the same Land, is reputed next him that is not worthy to live at all; and is this the way to win their Affections! and if they should force any to abjure his native Country, they force him against Nature, and that is to root out Affection.

Now suppose the *Dissenters* are not wholly yours, yet if you cared for them at all, you would nourish some Inclinations in them, and not thrust them from you, but drive in those Inclinations to Peace with you.

4. It is plainly the making of a Breach among *Protestants*. The more weak and passionate will be far more out with the Bishops, than they were before. 1. Because, they at the first refused to condescend, and Procured that Act of Uniformity, by which they must needs know a vast Breach would follow. 2. Because they can look upon the Suffering of *Protestants* without Compassion, so much as not to make Intercession for them. The Brethren, and all that suffer in them, will be tempted to hate the Bishops and say, this doth proceed from them or some of them. And th's is another way to unsettle all. Besides, it tends to divide the Hearts of the ignorant, and rash, censorious Multitude from their Fellow-Christians, as if they were worse than *Papists*, as Enemies to the King and Government, as Disturbers of Order by their Preaching and preciseness. It will alienate abundance of People, that either actually suffer or have any Compassion to them that suffer, from abundance of Conforming Ministers, who help on the work of pulling down of Conventicles. And this is another means that will co-operate to our unsettlement of all.

5. This is the way to unsettle all, by undoing what hath been done towards an Accommodation or an Union, both by late Honoured, and ever to be Honoured Parliaments, from the Year 1673, to the last at *Westminster*; and all the Endeavours of our Reverend Fathers, Protestant Divines, and Gentlemen, towards a desirable Union. As a Treaty of Peace tends to a Settlement, so the breaking of a Treaty tends to an unsettlement; this zealous Prosecution, is like a vowing there shall be no Peace; for it plainly, breaks off the Treaty.

6. This tends to unsettle all, as it is an open, violent rushing against the Reason of our late Protestant Parliaments. As their Reasons and Debates did determine in a Resolve for Settlemen; so these out of Enmity against them, and their Proceedings, labour to unsettle all, before they can have time to meet, to offer any thing towards a happy Settlement; to divide the King from his Parliament, to undo what many Parliaments have resolved to do, to prosecute *Protestants* against the minds of *Protestants*, to disgrace the Name, and to break and weaken the Thing, is also the way to unsettle all.

7. Except they deal worse by our *Protestant Non-conformists*, than they would deal with *Papists*, they can but drive them to their private Houses and Corners; and keep them to them (and another Argument from this Head doth offer it self) will be a greater Evil, than what the Church or State can ever suffer from open Meetings. And that as operating more ways than one.

1. Because our Hearts will be more divided, Mens Passions incensed, Mens Reasons sharphed, and all ways of Reconciliation stopped, the conquering Church-men will not offer Treaties, the broken and oppressed Church will not be heard, all their arguments and Books will operate no more, then the Tears of the afflicted soften the Hearts of them that afflict them.

2. The Schism then will so far be protected, that this Law against Conventicles cannot touch them; and I do humbly conceive, that this

*I mean the Oxford Act and the other.* Act against Conventicles was never intended for the Good or Growth of the Church of *England*, or the Protestant Cause. 1. Because they that moved

in it, were moved by a Spirit of Popery, is notoriously known, who were Sir *Tho. Cl.* and the rest abovenamed. 2. It was as cunning a subteraneous Conveyance for Popery, as could be thought of, to be made by a Law. It seeming to be to serve the Church, was help'd forward by the Zealots for the Church, but what was more contrary to the Church, than a secret Schism priviledged by the Law, that forbade an open one? 3. It was most likely to be perpetuated, the closer it was kept and exempt from Punishment. 4. They who were then *Papists* in a Disguise, and when they thought it time, threw off the Disguise, could so manage the Business, as to procure a Toleration of *Papists*, but it shall go under the name of Favour to *Protestant Dissenters*. For the Merits of the *Papists* pleaded for them a share of the Favour, granted to *Non-conformists*, that deserved so ill, as they were represented. An oppressive Act, made way for an easing Toleration, which the Parliament well perceived the Year following, and then crossed the Contrivances of Popery, and saw that Popery had got by the Toleration and their own Act, and moved for a Revocation of both. 5. The *Protestant Dissenters*, without any difference of their Principles were by this Law rendred suspicious, and thereby odious, as conveying poisonous Preparations to Rebellion in their Preaching; the lurking Jesuits, and plotting *Papists*, might carry on their firing and murdering Projects, and when any Mischief broke out, the suspected *Protestant* might next way suffer for it, or be brought in question; so that if State-Policy shine out into a Favour upon *Dissenters*, the Meritorious *Loyal Jesuits and Papists* shall go Partners with them. If State Inquisitors smell a Fire or Gun powder, the suspected

pected *Dissenters* shall have the *odium* of it, and the *Papists* appear bold-fac'd, as a trusty Loyalist, and who dare speak Truth of his untainted Innocence and Greatness? 6, These dissembling Jesuits, might creep into Conventicles, into any of them, and do their Work according to their Art, exclaim against the rigor of the Laws, unmercifulness of the Bishops, defame the King, and a hundred Mischiefs, as many as they could invent; seduce, and pervert the King's Subjects, and be much pleased to hear the aspiring *Conformist* talk at his highest rate against the *Non-conformists*, and plant his Great Guns against *Geneva*, and bring up more stories out of the Acts of the *Presbyterians*, than the Acts and Monuments of the Martyrs, burnt by the *Papists*. It must needs delight the *Papists*, to hear a zealous Ignorant, be-rogue and damn the House-Preachers, such as creep into Corners when they durst not shew themselves, as undoubted *Protestants* in the Pulpits.

And what Advantage the *Papists* made of our Divisions first; and next of this suppression of learned and able Men, they will make a Gain, and if the ill Effects of their evil Spirits working in Secret, be not greater than any Evil, which the open Meetings of the *Non-conformists*, can be charged with, I'll say no more, but this one thing, which shall conclude this Argument (and I am sure it deserves a reading) and a great deal more from every Loyal Protestant Christian.

It is the greatest Mischief that can come to our Government, and true Religion, to give the *Papists* the least Advantage and Opportunity of carrying on either Conspiracies, or false and damnable Doctrines, or to do greater Harm than ever they have done; and these Advantages and Opportunities they will have by driving the *Non-conformists* into private Houses.

1. The old sound, pious and Excellent Men of the *Non-conformists*, grow few and thin, Death lays them up safe from all Evils to come. This is so far from being commodious to the Church, as it is Christian, and Protestant (mark, I do extend Protestantism beyond Conformity) that it is a great Loss without a great Supply; for I'll speak my Conscience, in giving them due Honour, they were and are constant Students and laborious Residents, learned, skilful, successful, and deservedly had in Honour by discerning and honest Men. These were Men of Loyal Principles, and sought Peace, with Truth and Parity, and as little as they were regarded, they were regarded more than most young Men will be along time. The Dissenting Party will walk in their wonted Paths, both from their Education, Prejudices Principles and convictions they will hear in Private, they must have Preachers, their Preachers cannot be in many Places, they must have Supplies, their Supplies will be young Men.

2. Young

## The Conformists Second Plea

2. Young Men and bred Scholars will be but comparatively too few; and what then? It will be a temptation to Men of Confidence, to go beyond their Line, spiritual Pride will puff them up, as Men of Gifts; yet the pretence of Wants, and conceit of Gifts will endanger many. Now, now, if ever, here's an Opportunity for the Boys of St. Omers, who can tell the Tails their Masters teach them, to come into *England*; her's work for them! Can they not lye, and say they are the Sons of *Nonconformists*, tutor'd under *Nonconformists*? cannot they lye to damn the Souls of *Heriticks*, as confidently as they did to save the lives of *Traitors*; cannot they pretend they were born and bred in *New England*. To the weaker and credulous *Independent*, that know not Men, as their able Ministers do, they may say, they were brought up by such *Independents*. To the *Quakers* they may pretend Conversion, and to come a great way off, and so through all. And why cannot they make use of the Miseries of our persecuted Brethren in *France* and speak a little broken *English* and say they are *French Protestants*, intended for the Ministry, or bred in some of their Universities, and who can disprove them? what cannot a lying young Generation do? Preach against *Papery* in some points (to bring it in. We read what work one *Whitebread* did in Meetings of several *Perfwassions*; and why may not more take the same seducing Trade. But when *Nonconforming Ministers* are known, and appear in the open view of the Church and Kingdom, they are accountable for what they preach and do; and if any secret Conspiracies, pernicious Doctrines, Atheism, Blasphemy, are sowed, or fomented, the Innocent may be known, and the Guilty the sooner discovered.

And thus I have gone through my whole Argument, and I hope said something aptly to prove my Question, That it is better the Execution of the Penal Laws be forborn, than urged at this time, if not altogether.

Having stated, and I hope offered some considerable Proof of that part of the Question which I have chosen, tho furthest out of the Sun of *Humane Favour*; I shall draw another Division of Arguments to guard and maintain it, and to turn back the Force that comes out against it. If there be any Reason in what hath been offered, then I hope, I shall meet with some *Inclinations*. in wise and good Men, to be perswaded to take that Course which is proved to be the best: I am sure wise Men will choose that which is best, and good Men will not exercise Severity without urgent Cause, and a rational Foresight of Advantage. I humbly desire these following Arguments may find due Regard.



First, The Wise & Holiest; and most Catholick Governours of the Church have by long Experience found that Reason, Conviction, and Calmness, have been the winning ways upon scrupolous Persons; or else it cannot in Charity be thought, that they would come behind others in accomplishing the work of Peace and Uniformity. They cannot but know what 'distraction without Reformation, will follow Excommunications, if they proceed to Writs, and follow the Course of Law to the utmost. Many of our Ecclesiastical Courts have taken that way, and can any of them, shew us any one Man converted to Uniformity by it? Many have removed from one Country and Diocess to another, and wrought themselves out of Trouble, or abide in them to this day: But can they shew any one Man they have brought over to a sincere and hearty Conformity? their Molestations go nearer the Heart to separate than to unite them. If the Church should for Nonconformity proceed to Sentence, and thence to Writs; and thence to Execution, what way can they take more effectual to disoblige the Nation? The Gentleman and Landlord suffers in the ruine and loss of his Tenant; the thousands of poor Families that live by Manufactures, suffer in the Losses or Removes of their Masters; and as many as actually suffer of what Condition soever and their Families and Posterity that suffer in them, are made the poorer, but never the better Christians they are all disobliged and broken from us Besides, they know the charge of their Dissent, which is often-times on more than, pay your Fees, and go home. The Officers of Courts get; but what doth the Church get thereby? It is visible, that those parts of the Land have the most for number, and the most resolute *Nonconformists*, that have been most severely used. The more many Men suffer, the more Arguments they gather for the Goodness of the Cause for which they suffer. The far grater part of our Church-Governers, have abstained from rigorous Courses. Now the Civil Magistrates are rousing up, and awake, as out of sleep. But what's the Cause of this Exitation? The Conservators of the Peace are harnessing themselves for the Defence of Church and State. But what fear of the King's Life: Is it not the Acclamation of all *Protestants* (is there in this, one *Dissenter* among them) *Long may the King live*. Who doth hold up a Finger to shake the Throne or Government? or who is there that hath heard of as much as a whisper of any Conspiracy If there be, God who seeth in secret reveal it quickly, by the Guilty themselves; and there is no likelihood of a Concealment, (if there be such a thing) for none but beggerly mad Men can be in it; the service then must be done to the Church: The Magistrates rise up in Defence of it. But doth not the Magistrates Vigilancy reproach the

the Security and Sleepiness of the Watchmen; how can any, that at other times and occasions do not talk with any great Concern, Affection, or Reverence of the Bishops, now be so zealous? If the Bishops should proceed with one mind, roundly to Excommunications, and break up Families by it; who would sooner complain than Gentlemen that suffer by it? who would be more earnest, or be more complemental in Intercessions? But now, why should they be so forward to undo great Numbers to the apparent detriment of the Common-wealth, when the Bishops are so backward to give them, their Friends, or their Dependents Trouble? what Alterations will the Execution make, in Rents and Trade? and who will sooner feel the Effects, than he who takes his Ease, and lives high, and cannot bear the fall of his Revenues? If the Magistrate appears in his Power, when the Church calls for his help, it will be duty, and self-denial too, to take part of the *Oidum* of what is counted a Persecution, but to hazard the breaking of many thousands, who can in some parts of the Kingdom make a Rise, or fall of Commodities, and the loss and trouble of abundance more by Participation to their own Dishonour, is a greater Kindness to the R. R. Bishops than was expected, or can be rewarded with their Blessing.

Secondly, It is more God-like, Christian, and Humane, to use Clemency, and follow the Example of the Indulgent, especially when the hurtful Effects of Severity are great and apparent, and the Benefit, doubtful. God is wise, just, and holy, but continues to uphold the World by Mercy. Christianity is full of Mercy, and the Author of it is a Reconciler, and Mediator. Human Nature, so given to offend, would be destroyed, but for Love Forbearance, and Mercy. Mercifulness is like the soft Cement, that binds all the Stones in the Fabrick of Human Society, which else would never hold together, but fall without it. Without it Men are like rugged Stones, and Severity doth not square, but chop, and should never be exercised, but when Society cannot be preserved without it. If this Age will follow Examples of the most exact and strict Governours, it will find more room for Mercy, than hath been shewn to them that have been excluded for want of it. But if it will set it self for an Example, it is a question whether wise Posterity will follow it. The High Commission Court was a kind of Inquisition, so the wise Lord Treasurer *Bouleigh* wrote to Arch-Bp

*Fuller's Ch. History*  
E. ix. An. 1583.

*Whitgift*, But according to my simple Judgment, 'said he, this kind of proceeding is too much favouring the *Romish* Inquisition. And of all Men, 'the *Puritans* felt the weight of it. The *Puritans* were

were opposite to the Bishops and their Government, and Courts, and they made themselves and the Queen, their Government and Hers all one; what was said or done against them, was done against her Majesty. And the Opposition between the Puritan Discipline, and the Episcopal, was greater than hath been since ever since the King's Return. If Church-History were silent, we may learn from the Canons of 1603, what Language was common in those times: But now the Controversy is not between the *Presbyter* and the *Bishop*, but between *Bishops* acting in a narrow Room and larger Dioceses; yet they are not discontent if the King shall hold out some, as he doth, with Lordship, not continue their Revenues. The *Independents* (supposed to be *Brownists*, but are not) give not the Language of Antichristian, to Bishops; or our Congregations; but look upon us as parts of the *Catholicke Church*. The Bishops are said to be Anti-Christians (as against their Congregational Power) but not Antichristian, which was the Language of the *Byronists*; but those that were more opposite, or hung off, were more kindly used then than these. Mr. Fox a N.C. held his Prebend of *Salisbury*; Dr. Humphrey was Dean of *Winchester*, President of *Maradun Colledge*, and *Rector Professor in Oxford*; Mr. *Edm. Carnarvon*, the Head of the N.C. was at last much favoured by his mighty Antagonist, *A. B. Whigge*, made Master of the Hospital in *Warwick*, and preached there to his death; Mr. *Travers*, ordained by *Presbyters* in *Amwerp*, after a sharp Controversy with Mr. *Hooker*, was made *Provost of Trinity Colledge*, near *Dublin*, by *A. B. Lusham*, Chancellor of *Ireland*; *Rob. Boyle*, that despised worst, held the *See of Exeter*; Mr. *Steele* continued in his Parsonage of *Warwick*; *A. B. Whigge*, whose (Stiff) contangcy was known and proved, wrote thus to the Lord Treasurer *Burleigh*; My Proceedings are neither so vehement, nor so general against Ministers and Preachers, as some pretend, doing me therein great Injury; another to Sir *FWallingham*; I have forbore to suspend or deprive any Man already placed in any Care or Charge for not subscribing only. Bishop *Arch. Ridd*, in his Speech in Convocation, *An. 1602*, said, That many Learned Preachers enjoyed their Liberty conditionally that they did not by Word or Deed, openly disgrace or disturb the State established, (would that do now, we should see a return of many

As in Mr. Udall's  
Examination and Tri-  
al, is to be seen, Pr.  
Londy. 1643. Vol. I  
Can. 4, 6, 9, 11.

Dr. Owen of Church  
Peace, &c. Dr. Good-  
win of the Eph. Str. 35.

The Rigid got more than, than the more moderate now.

the Head of the N. G.  
gionist, A. B. Whipple,  
hed there to his death;  
er a sharp Controversy  
his mind of your  
mi See Followers? a First.

life. (Stiff) constancy  
of Treasurer *Burleigh*;  
their *Beech* *Phyllis*  
Brother when they  
depend of deprive any  
subscribing only. *Bl-*  
of the *Hind* *all*  
See *Addenda* *in the*  
of *the* *Phyllis*

cast out, if not of all.) What need I speak of the Indulgence of Arch-bishop *Abbot*? Remarkable is that Discourse between *A. B. Bancroft*, who was a sharp Adversary of the *Puritans* with a *N. C.* An honest able man protested to him, that it went against his Conscience to conform: Which way (quoth the *A. B.*) will you live, if put out of your Benefice?

The Minister answered, He had no way but to go a begging, or put himself in the Divine Providence. Not that, said the *A. B.* you shall not do

so, but come to me, and I will take order for your Maintenance. Many had Lectures, or were connived at by Bishops, or protected by great Men,

as is proved in particulars by Mr. *Baxter*. Particular *Second Part* of the Intent is: that to my purpose, which *Dr. Fuller* writes (*Defence* against *Dr. Hooker*) of some in the time of Queen *Elizabeth*'s Reign.

Stillingsfleet, c. 4. 10. The Practices of the *Presbyterians* now found so much favour, as almost amounted to a connivance at their Discipline. For whilst the Severity of the State was at this time intended to the height

against the *Jesuits*, some severity of course (by the very Rules of Opposition) fell to the share of the *Nonconformists*, on the score of their notorious enmity to the Jesuitical Party. The Earl of *Leicester* procured great Favour for them, from the Queen, and subbed the Bishops for urging Subscriptions. The great and wise States-men were Intercessors for some of them, witness the Letters of the Lord Treasurer *Audley*, and Sir *F. Walsingham*, in that Church-History. But now is there no Mitigation to be looked for, when our present *N. C.* approach neares to a Closure, and when their Opposition to the *Jesuits*, doth provoke that Party to strain all their Policies, Power, and Malice against them?

Consider if it be not a time to shew Mercy to our Brethren, and not to oppress them as Enemies, when the whole *Protestant* Interest among us is saved by meer Mercy! How contrary will the impoverishing of them be to that Duty, if *thine Enemy hunger, feed him; if he thirst, give him Drink!*

Surely, if we ought to relieve an Enemy, so far as to keep him alive, we ought to spare our Brethren, and preserve them from a necessity to beg their Bread. But here I seem to come to some, but beg in Question: I call them Brethren, when they are not *Unitarians*, and if they who profess the same Faith, Worship, and live under the same Laws, are not Brethren,

have we any in any part of the World? Is there any Household of Faith, out of the Household of *Conformity*? If not, then our extreme Zeal against *Nonconformists*, will carry us to *Domitian*, and confine the Church within the Lines of our Uniformity, if to avoid this, we acknowledge a *Catholic* Church, out of those Bounds; then why shall not that right be allowed to them

them to suffer as *Unitarians* do, when they are not *Unitarians*, but *Catholics*?

II

them that dwell among us, as well as to them that live in Foreign Nations, and differ as much from our Form of Discipline, as they do? If therefore they are Brethren, let them receive from us some Tokens of Affection, and not be burnt with the Marking-Irons of Anger, as unfit Objects of any thing less than Exclusion from all Favour. And let not the Mercy and Mildness of former times, come into Judgment against this Generation. I do hope there are many that have Sorrow in their Hearts dayly for them, and that have Hearts of Flesh to them.

*Arg. 3:* Both Church-men and Magistrates, should forbear this course of Rigor, for fear of being guilty of the great Sin of Persecution, or approaching near it. All good Christians should be tender of falling into degrees of that Sin, which in the highest degree, is proper to the Enemies of Christ. There are now none in any place of Power, but such as have by Oaths and Tests, avowed themselves to be sincere and honest Protestants; and if they will hear reason on their Brethrens behalf, what Mercy can Protestants expect from Papists, or perjur'd Hypocrites? Abstain from punishing and hurting the Servants of Christ, lest ye be found fighting against God, and obstructing the Prosperity of Christs Kingdom, by quenching any Light of the Gospel, because it is not set up in a branched Candlestick, or in the Church. They would all burn in the Church, but for something that keeps them out in the Church-Porch. Now as every Christian, that hopes for Salvation alone by Christ, should be afraid of hurting Christ in his Members; so must every Man be tender in affixing the Charge of Persecution upon any: which that I may do, I will,

1. Open the Nature of Persecution.
2. The kinds of it.
3. Consider what is said to free the prosecution of the Laws, from being a Persecution.

*First,* To persecute, in this place, is taken in an ill sense, for any kind of Vexation, or Trouble, brought upon others, especially such as is grievous to be born; it is *ardenter*, *Grot. in Mat. 5. 10.* *persecutis, diligenter*, *Insectari ad nocendum*; or as *Petr. Ravan.* others, To follow as a Hunter doth his Game.

In respect of the Sufferer, it must be causeless, and undeserved, and by consequence, not for doing ill: In respect of the Inflicter, it must be injurious, and in respect of the Cause, it must not be a Civil Cause, but Religious in Whole, or in Part. It is Persecution, if it strike at any part of Religion, or for any Exercise of Religion.



Secondly, There are many kinds and degrees of Persecution, distinguished by the Afflicters, Affliction and Afflicted, and the Reasons, Causes, and Ends.

The menaced Sufferings of the *Nonconformists*, are not, 1. From an open professed Enemy of the Faith, but (what is marvellous) from Men professing the same Faith, as *Protestants*, the Power being in no other hand. 2. It is not for Christianity, for the Name of Christ or being Christians. 3. It is not directly a suffering of Death, or Banishment, (tho it may come to it) as it is a Proceeding upon the Act of the 17<sup>th</sup> and, 22<sup>d</sup>. of our King; but such hath been the Zeal of some Justices in some parts of this Kingdom, as to threaten *Disasters* with Abjuration, Banishment, and Death.

But ordinarily, the threatned Punishments are of loss of Goods, of Liberty to do good to Souls, of Imprisonment, for particular Acts and Exercises of the Christian Religion, only because performed in an undue manner; as to human particular Laws, by Preachers that have not conformed upon the imposed Terms of exercising their Ministry, and upon such as hear them, beyond such a number; and these Punishments are threatned by Christian Protestant Magistrates, against professedly Protestant Preachers and Hearers.

They who suffer, say, They suffer for Conscience and Religion, and therefore they are persecuted; they who punish them, say, It is not for Religion, but for doing ill.

Let us impartially examine the Case, as urged by the *Nonconformists*, and as defended by some *Conformists*. The *Nonconformists* argue thus;

Preaching and Praying are necessary Duties.

But the *Nonconformists* are punished for Preaching and Praying.

Therefore for necessary Duties; and by consequence they are persecuted.

A Reverend, (and by his many serious Professions, which I admit) a good Man, undertakes to take off this Argument.

Indeed the Argument is laid down defectively because the words of the Laws are, upon presence of *Religious Exercises*, and there are other Exercises of Religion, besides Preaching and Praying.

The same Reverend Author doth distinguish to the *major* Proposition, and flatly denies the *minor*. Preaching and Praying (saith he) are necessary Duties, *quoad Substantiam*, but *quoad Circumstantias* they are not necessary, and he reckons some Circumstances, in which 'tis true, they are not necessary; as to two or three thousands, &c.

2. He utterly denies the *minor* as false. They are punished for not observing those Circumstances (saith he) about Preaching and Praying, which Authority requireth; or, for not performing those Duties; in such a manner; or more plainly, for not submitting to those Constitutions established, for the better ordering of those Duties; which Constitutions he proves to be good, from an enumeration of all the Causes. They are good, *respectu Efficientis*, sufficient Authority. 2. *Materiæ*, the matter not unlawful, or contrary to a former Obligation. 3. *Formæ*, a sufficient Promulgation. 4. *Finis*, the publick Peace and Safety.

To consider all these things distinctly, Let me say,

1. By necessary Duties, we agree are meant, Duties necessary by the Divine Precept, or as means to the Ends of Christian Religion.

2. Ministers and People are first obliged to Christ, as their Governor Absolute: and above all, according to his Laws, and to temporal Governours subordinately, in and for the Lord. Therefore the first and principal Regard of Obedience is to Jesus Christ, with that strictness to which he hath obliged us.

3. No Action of Religion can be done without Circumstances.

4. Circumstances are subservient to Duties; and we are sure, that God doth not tie Man up to such Circumstances, as do always tie up them from the Duties, tho in some Circumstances the Duty may be omitted; but then they are such, as render the Duty for that time unnecessary; and if Men would learn from God, they would never enjoyn such Circumstances, as shall hinder any, always to perform the Duties from whom God requires them.

5. Those Circumstances, as you call them, are such as no private Man can take away, or alter, because required by the Laws, and are as unalterable as the Laws are: and being so, it shall never be lawful for any *Nonconformist* to Preach, but in those Circumstances required by Law. But first They are absolutely bound to Christ, and devoted to him, as his Ministers, and not with this Restriction, if the Bishops please, or if the temporal Laws permit them: for else they would be absolutely tied to the Bishops, and to their Conditions, and but conditionally to Christ, and Christ must be thought to submit to such conditions as they please to make; whereas all their Power, as Bishops, is from Christ, and subordinate to him: so ought all temporal Laws to be. 2. If the *Nonconformist's* forbear necessary Duties, out of respect to human Circumstances, as they conceive inconsistent with the Liberty Christ hath given them, whom do they obey as their Supream? Christ? Who requires the Duties *quoad Substantiam*? or them that tie them up, or rather shut them out, *per Circumstantias*? Which is their Duty? to neglect the Duties appointed by Christ, because they cannot without Sin, as they think, observe the human prescribed

ed Circumstances? or neglect those Circumstances, and perform Christian Duties in such other Circumstances as they can, & ought to perform them in. 3. How can they be deservedly punished for doing necessary Duties, and not keeping to the imposed Circumstances, unless you make the Observation of legal human Circumstances, more necessary than divine Ordinances? 4. Certainly Christ is the Supream in and over all Christian Churches and Kingdoms, and all Church-Constitutions should be for the furtherance of his Spiritual Kingdom, and Ordinances; and to obey Christ in doing his Work, where Church-Constitutions hinder some from doing it, is to obey the Master above the Steward and Servant. Neither doth this teach disobedience to lawful Authority in lawful things, or to destroy Order; but teacheth that all Order and Constitutions must promote Divine Ordinances. This Doctrine teaches not Rebellion against Authority, but the just subordination of humane Constitutions to Christ, the Lord and Judge, and to his Laws and Work.

6. It is in some Circumstances as necessary for a *Nonconformist* to Preach without our Circumstances, as it is for us to preach with them.

7. The Case hath been, and may be as it was *Peter Martyr's*, before he left *Italy*, such as to require Ministers to preach, and administer Sacraments, in a Conventicle of many hundreds, or some thousands, and necessary to venture Life and all for it. What *R. Mr. B.*

*Apology for N. C. Preaching, to the Bishops, p. 15, 16, §. 12.*

‘ writes, is to the point of Circumstances; If the Magistrate forbids us to preach the Gospel, either our Preaching is necessary, or unnecessary, and this either notorious or doubtful. If our Preaching be notoriously unnecessary, we will obey him & forbear. If it be a doubtful case, we will use all means God hath appointed us, to know the Truth; & if yet it be doubtful, and our Minds in suspense, we will stand to the Judgment of the Magistrate, and forbear. But if our Ministry be notoriously and undoubtedly necessary to the just Ends, which is the Edification of Mens Souls, we will obey God in Preaching, as we are able, and humbly and patiently bear what is laid upon us by our Rulers; nor do we take our selves bound by Christ to one Place, or one time, or manner of teaching, or to speak always to a great Assembly; but all these are Circumstances, which we must fit to the End and Success of our Work.

To conclude this Head; Altho the *Nonconformist* cannot preach in those Circumstances (as you call them) enjoined by Law, for fear of sinning, as they do confidently and seriously declare, and for no other reason; they must Preach and Pray, and perform other Religious Exercises upon such Circumstances as they can have, and that, if it cannot otherwise be, upon hazard: for it is a greater Sin, and deserves a sorer Punishment, to neglect a necessary Duty enjoined by Christ, than to neglect the Observation

vation of such Circumstances as are enjoyned by (a lawful) Authority; except Jesus Christ hath given such Power to Magistrates and Church-Governours, as to command Circumstances, which, all his Servants without dispute, or hesitancy, must obey; and that Christ doth rather approve of the neglect of necessary Duties, than for respect to them, transgress Human Circumstances, by which, necessary Duties may be suspended, or rendered unnecessary. If both cannot be done, the one without the other, which must give place? the Circumstances to the necessary Duties? or the Duties to the Circumstances? Especially when we consider that Christian Preachers, and People, are first and absolutely obliged to Jesus Christ, and but subordinately and conditionally to Men in Authority. Notwithstanding the *Nonconformists* non-compliance with (what some call) Circumstances in Preaching and Praying, which are necessary Duties, they do well for they obey the greater.

Now I pass to the *Minor*. But *Nonconformists* suffer for Preaching and Praying.

This is utterly denied, and indeed if this be not denied, the Conclusion would necessarily follow. Therefore they are punished for necessary Duties, and by consequence for Religion, or doing well.

Now that which is incumbent upon me, is to shew, That indeed they suffer for Religious Exercises; and to prove that, I must consider what is said to the contrary, which I shall do, in the first place.

They are punished, saith he, for not observing Circumstances required, or for not performing them in the manner required, or for not submitting to those Constitutions established, for better Order, &c.

I answer, it is true, they suffer for not submitting to these, but not for that cause alone, but for Religious Exercises, *ut infra*.

You say, the Constitutions are good, by an Enumeration of Causes.

To which I answer, 1. The *Nonconformists* do not deny, but own the efficient, the Legislative-Power. 2. They refuse and question the Matter of many of the Constitutions, and if they scrupled but one, they cannot subscribe to all, and that because unlawful to them. 3. Many suffer for not subscribing, and declaring their Assent to the Common-Prayer, which came not to them before the time was expired for so doing. Here is a defect of a Cause, the formal Cause, the Promulgation of the Constitutions. We that lived nearer London, had but a little time to peruse the Liturgy; but many had not time at all, in many places, and they not in the remotest parts. A Divine of Years and Tearing, in the Diocese of Lincoln, gave this for one Reason, in his Farwel-Sermon, that he was to be silenced by Law, for not subscribing and as-  
And it was the case of many more in that Diocese. And Mr. B. of W. in the County of L. was ejected by Sir Edward Lake, altho he gave that reason, that the Book was not brought him before the 24th. of Aug. nor before he was declared deprived by the Commissary.

senting to a Book which he had not seen. It is likely he had other Reasons; but they that suffer for not submitting to what they saw not, do not suffer for doing ill, but well. Lastly, the Constitutions are for publick Peace and Safety; but except the matter be of that tendency, many Constitutions may be good in respect of the Efficient, Formal, and Final, but may be ill in respect of the Matter. And the Controversy of the *Nonconformists* is about the Matter of the Constitutions chiefly. And if their Preaching and Praying give no disturbance, but to some Minds, easily stirred, and tend to Godliness and Honesty, then they are so far good, and agree with the Design of the Constitutions. They suffer, as appears, for an Omission, not obeying the Constitutions, and them chiefly, in one cause, and but perhaps in some one part of them. See then what the principal Cause of their many Sufferings is; they are such things as are, as we say, things indifferent, but necessary in Practice by human Laws, which compared with the necessary Duties of Religion, which are enjoined by Christ and the Laws of the Land, are but small and unnecessary; yet not obeying these Constitutions which bind not immediately by a Divine Precept, shall render able Ministers unserviceable; yea, it shall be a sinful Act in them, to do necessary Duties, acknowledged by all Christians to be such, for not observing them. Having laid these things open, I proceed to prove that the *Nonconformists* suffer for Religious Christian Exercises.

1. The Law-makers, in their Laws, never noted them for other, than for Religious Exercises, and for good Duties; therefore we must take them for good, not only by the Law of Christ, but by our temporal Laws. All the Ministers of *England* and *Wales*, that were ejected for not subscribing, &c. were supposed good, if they had subscribed; and when they were ejected, they were not degraded from their Ministry, nor was their After-Preaching prejudged to be as no Preaching and Praying. The same Act might have declared their Religious Exercises to be null, and them no Ministers; they were removed from their Stations; and deprived of Tithes and Profits, but their After-performance lost not their internal Nature, altho they should be performed without *Common Prayer*, Rites, and Ceremonies.

2. The Subsequent Acts do not absolutely forbid their Religious Exercises, as evil, or evil-doing, but as deficient in the external Form, and as abused by ill men and Hypocrites, to move to Rebellion and Insurrection, endanger Church and State, and to such a number of People, and if they were such, they would be materially evil, and then cease to be Religious Exercises.

3. So then their Fault lies in deficiency of things concomitant, which doth not so affect them, as to change them from Good to Evil; they may be



be acceptable with God, and profitable to Men for all that, so far as they celebrate Religious Exercises, to pious Ends, they materially and finally do the things that are pleasing to God, and do well, even Men being Judges.

4. They do not suffer Fines and Imprisonments for not subscribing, declaring according to the Act of Uniformity alone, they suffered for that before: they do not suffer for moving Seditions, or Insurrections, whereof none hath been so much as charged, much less found guilty. They do therefore suffer for performing Religious Exercises.

1. So the Witnesses or Informers testify, and not for moving Insurrections.

2. So the Warrants should run against them; therefore for doing well, and for Religious Exercises.

3. If not for Religious Exercises, how come the Preachers to be fined 20. l. or others for them? not for beating Drums; or for bearing Arms, I suppose.

*Obj.* But the Law prohibits all Religious Duties, and to above four and the Household, which are not legitimated by the *Common-Prayer*.

*Ans.* It is true, but then let us observe, That the meer absence of the *Common-Prayer*, and Ceremonies, doth not change them; they are Christian Religious Duties, notwithstanding that defect, for it could not be supposed that near 2000 Ministers, dedicated to God, would cast off Religious Exercises, when cast out of their Places, or that they would use those things, to which they refused to subscribe, and tho they could not imagine that, they denied not Preaching and Praying without a Form, and Ceremonies, to be Religious Duties.

2. Some of the Duties which they perform, are after the manner of the *Church of England*; such is their reading of the Scriptures, singing of Psalms, and Preaching, we being at Liberty as to Text, Words, Method; and their Praying before, and after Sermon; we are not tied to the very words and Syllables in Canon LV, but to those Words, or to that effect, To move our Congregation, to pray. Now if they read, sing, pray, preach, as we do, they suffer for those Religious Exercises; therefore for Religion, and Well-doing; but supposing them imperfect for want of the *Common-Prayer*, yet so far as they are Religious, they are good.

*Obj.* But they are looked upon as suspicious Persons, because they subscribed not, &c. to the Act of Uniformity in the *Oxford Act*.

*Ans.* True, but two things are considerable.

1. Many took off that Suspicion, by subscribing that Declaration; yet that will not excuse them, if they Preach to above four.

2. Their not subscribing, and declaring according to the Act of Uniformity, makes the Cause of their Suffering doubtful. The Law calls them to conform upon such Conditions, of subscribing and declaring. Their

Consciences, after the most diligent Search into all things required, command them, upon peril of sinning against God, to forbear. They may be deceived, and why may not fallible Imposers be deceived? (say they, if they suffer for not sinning against God and Conscience) If they suffer for performing Religious Exercises, according to the general Rules of the Gospel, and their own Consciences, as well informed as they can inform themselves, they suffer for Religion, altho they that exact and execute Punishments, think they suffer for Omissions, and Obstinacies in those Omissions. They suffer for Omission of human Constitutions, which they hold not Divine, and perform Duties, which they hold to be Divine. The Case is as clear to them to be unlawful, as it is clear to them that command them to be lawful, therefore the Case hangs in doubt; if they that refuse to conform, refuse upon peril of temporal Losses, they who afflict them, do inflict them upon peril of sinning also. He that suffers, for doing what is confessedly Religious, and forbears what is dubious, or sinful in appearance, is on the safer side, than he that punisheth for undoubted Religious necessary Duties, only for the Omission of unnecessary things.

*Obj.* But holding their Meetings to above four, and in publick, is seditious in the eye of the Law, and they suffer for that, and not for their Religion.

*Ans.* Indeed that seems to be the only criminal Circumstance. But why shall this alter the Case? which is far better, and more satisfactory to Magistrates and the Church, than their retiring into allowed private Houses, and the stated number would be. But this doth not make Religious Exercises, to be no Religious Exercises, except it infuse poisonous Principles into a multitude, which is not known, and cannot be proved; it is Religion, and not a Riot, that is really punished. Now granting this to be a forbidden Circumstance; compare it with the many Circumstances, that make it the more allowable, and then, shall Religious Exercises, necessary to be observed, profitable to many, be therefore unpardonable, because of one Circumstance? This I humbly refer to consideration, before the Magistrate strike with the heavy hand of the Law. Make the most that can be of the Fact: Here's Religious Service, performed without Ceremony, and Form, (there's the defect) here's a Religious Exercise, to a supernumerary Company, that's the excess. But to this let us compare the nature of the Exercises, unquestionably Divine. The In-stitutor is Christ our Lord; the Ordinances are necessary, the manner of Performance, according to the general Rules of Christ, highly beneficial, and tending to publick Good, and Eternal Life; yet for the want of a Circumstance or two, (made necessary by a mutable Law) the Observers of them shall be punished as Evil-doers.

Are not human Constitutions subject to the Providences of God, the Supreme

Supream Governour, whose Dominion is especially, to be owned in all Christian Kingdoms? Suppose then, by the over-ruling Providences of God, there are Alterations made in the Affairs of the Kingdom, which make that which is a Divine Ordinance, become a necessary Duty to Men prohibited by temporal Laws, whether Governours of Christian States should not observe them, and make their Laws stoop to the Divine Will? The Defenders of the Church argue, It is more reasonable the *Dissenters* should yield to the Bishops, than the Bishops to them; so say I, It is more reasonable and decent, that Human Laws should yield to the Divine Pleasure, than the Work of God be stopt by Human Laws.

The true State of this, as far as I can perceive, lies before us thus: *First*, The Preaching of the Gospel, is an indispenfible good Duty. *Secondly*, They who are fitted, called, and devoted to God, are bound to Preach it. *Thirdly*, Some that are happily fitted for it, become suspicious to some in Power. *Fourthly*, By long Experience and Process of time, they can not be charged with such Crimes, as are of ill Operation to the State. *Fifthly*, These Men are ready to give such security to the State, as the Generality of unquestionable Subjects give, and to take away all just cause of Jealousy and Mistrust. *Sixthly*, They are qualified by Christ, and must give an account to him; they are called and invited to discharge their Duties as Preachers. 1. Their Conscience puts them in mind of their Vows, Persons devoted to Christ, to serve him upon his Conditions. 2. The Cry of Souls calls them, that either want, or want such as can, and will do them good; this is the plain case in multitudes of Places. 3. God unexpectedly opens a Door for them by Fire and Plague, and other Providences. 4. Calm Proceedings of Magistrates, and the Inclination of Law-givers give them Encouragement. 5. Their Zeal, for God answers this Call. 6. God gives them his Blessing, followeth them with Success, which is a sign of his Approbation, which he never gave to Evil-doing. And shall this be punished by Christians as as Evil-doing! This is to act contrary to God; to punish them, whom God approves! ---- There is a Humane Law, stands in their way, revoked *in Voto*, by them that made it; shall the observance of that Law, suspend the Administration of Ordinances in themselves good, well performed in the general manner, where there is great need; and to good ends without dangerous Effects, or Consequences to them, that once did forbid them?

Preaching and Praying are good Duties; but the *Nonconformists* Preaching and Praying, tho good in Substance, is not good because of ill Circumstances, say some. Now the Opposition here, is not between their Preaching and Praying, and ours, but between their Circumstances and ours; we according to Legal Constitutions, they not according to them. But, as hath been argued, there is but one Circumstance that is

faulty, ( the want of *Common-Prayer* and *Ceremonies*, makes not their Preaching faulty; for the Law that enjoyned them, did not brand their Preaching and Praying without them, as Evil-doing ) the Evil attending their Preaching, are the supposed ill Designs and Ends which they never drove at; it is good, if free from them; it is ill it seems, because to too many Hearers. Here's one Circumstance, or want of one Condition ! To this one, oppose all the Circumstances (if you call them so) and they are more, and greater for them, than this one against them.

There is no such Preaching and Praying, and performing good Duties, as is absolutely perfect, and free from all Faults; and often-times in necessary Ingredients, and Conditions, the best man faileth. This supposed, the Question arising is, Whether they who observing the Call of God, Answer of their Conscience, need and benefit of Souls, are blessed of God in their Work (tho but in some Measure) do not do better, to Preach and Pray at all hazards, if otherwise it cannot be, than if they did forbear ? ( because in one point they offend against a revokable Law ) and for that, how many Circumstances do over-match that one ? *First*, For their Persons, they are else in all Points subject to the Laws. *Secondly*, For their Doctrine, ready to give an Account. *Thirdly*, For the manner of doing, it is in a peaceable way, without any kind of Riot ; they meet and part as peaceably, as any of our Church-Assemblies do.

There is, I say again, no such performance of Duties, as is absolute faultless, and perfect in all Circumstances. The Duties they perform are Religious, defective only in outward Form ; and is it not comparatively better to perform them, than forbear them ? And can he, that punisheth them for such Religious Exercises (neither materially poisonous, nor effectually poisoning Subjects ) ever be excused from punishing Well-doing, and for Religion, if these Considerations have any reason in them ?

*Obj.* It is not Religion, but their Nonconformity to the Laws, that's punished.

*Ans.* Their Nonconformity was punished once before, by their loss of their Livings, and temporal undoing ; how often must the same Men be punished for the same Fault, as you, and not they, account it ?

*Obj.* They are Men of ill Designs, &c.

*Ans.* Why do you not prosecute them, as such, if they are such, and leave their Preaching and Praying out of your Information and Warrants.

*Obj.* If the Execution of Laws, shall be termed Persecution ; then who Magistrates, will any man dare to call it Persecution ? This is the Cant, &c.

*Answer.*

*Answer.* All due Reverence to the Laws, and to the Magistrates premised; the Administrators of Laws, may be guilty of undue Prosecutions, and persecuting Men with good Laws. Merciless and uncharitable urging of good Laws beyond their Intention and Scope, and with Revenge and Rigor upon the Peccant, is Persecution in the common Acceptation of Men. To conclude this Disquisition, It is undeniable that nothing but Preaching and Praying, and other Religious Exercises, are the cause of Trouble and Sufferings to very many, who had not been at all molested, but for those Duties. If there be a House full of Friends, or Strangers, that come and go in a peaceable manner; yea, altho many, or all of the Men are armed with ordinary Weapons, if there be nothing but eating and drinking, and common Discourses, they are not molested; yea, if a great deal of their Discourse be Religious, there is no Information, nor issuing out of Warrants; but if there be a Preacher among them, and any Solemnity in the Duties of Religion, this becomes offensive, and liable to the Laws. It is the Exercise of Religion that gives the Offence, and makes the Company guilty, and how Punishments fall upon such, when met without Weapons, or quarrelling, or disturbance of the Peace, to make it a Riot, but for Religion, is not to be thought. There is no Question to be made, but many Justices have been guilty of gross Persecution, abusing the Laws to the Service of their Anger and Revenge, and have gone beyond the Law, when they have wanted sufficient Evidence, either of Preaching, Praying, or expounding, or of any Preacher being in Company; but have told the Informers, if they heard but a *Tone like Preaching*, it was sufficient. It can be proved of one Justice, that without any other Proof, sent out his Warrant to levy upon the Goods of them that were present; and I have seen a Copy of another Warrant, for levying of 20 *l.* when it was not proved, that there was a Preacher in the House. If these are true, then such Executioners of Justice, do execute for Religion, and for no other Offence. Such also as threaten they will not leave a Meeting-house standing, who know both the Preachers and Auditors to be peaceable Persons, and cannot pretend any cause of Fear from their Assemblies, yet do threaten, as displeased with their Religious Exercises, and for no other Cause; for, if they can suffer many lazy irreligious Persons to absent from Church, and not punish them, tho they have no lawful Cause of their Absence, and threaten to punish them that are Religious, but in another way, it is not Conscience, and Zeal of Duty to the publick Worship, that moves them; for then they would punish the lazy and Idle, or prophane, and say, They will not suffer any Person to be absent from the *Common-Prayer*, but be zealous against some, as against others,

But this is not the Temper of all, therefore I will not bring in a Charge of



of Persecution against all, but I will endeavour to shew what is required of a Man; that cannot be said to persecute, and leave it to the Examination and Sentence of every Mans Conscience.

1. He must be a knowing Man, not in Christian Religion in general only, but in these controverted Points about Religion; he must not be senceless, as to call Religion, Sedition, nor to make a different Form to be a different Religion, or that Religion is subverted by a difference from some human Constitutions. He must be a knowing Man, lest he rush ignorantly upon the Servants of Christ. *Paul* was a Persecuter, when he was ignorant; Ignorance did excuse him from the Malice, but not from the Persecution. He must not only [ think ] he doth God good Service, for so did others, who for all their thought, did Persecute the Disciples, but be [ sure ] he doth God good Service.

2. He must be a sincere Lover of Jesus Christ, of his Holy Ordinances, of all that believe on him, and that worship him, for if he hate Christ, hate his Gospel, Preaching, Praying, and Religious Duties, or hate the Disciples of Christ, he must needs be a Persecutor, and of the grosser sort.

3. He must be sincere in what he doth, for the thing which he doth, he must be satisfied that he doth well, and he must intend the Glory of God, and the Honour and Preservation of Religion in it. If he pretend in his Warrants, Sedition, or Evil Designs, when there is none, he acts falsely, and pretends that to be the Cause of his Commands, which he verily knows is not the Cause, as not being as much as alledged or proved. If he thus proceeds, he strikes at Religion, under pretence of Sedition and Rebellion.

4. He must consider the Circumstances of the Persons, both Preachers and Hearers, the time of their Meeting, the need they have in their Places, and other Circumstances. But if, without Examination, or making any difference for his Information, he follows the Story of the Informer, then proceeds to the Punishments, and that perhaps for doing the best Duties, and some of the best Works they can do, then he punisheth Men for well-doing.

5. He must be a merciful Man, not stretching the Law, as far as he can in severity, to oppress or break the Persons; for certainly it is not the end of the Law, to ruine the Subject, but to preserve him as much as may be. They that proceed to the rigor of the Law, have a spight at the Persons; and let their Love to Religion be, as they think, sound; yet they persecute the Person. How such can excuse themselves, is unknown to me, that if the Preacher be gone, or be so poor, (as it hath often been found) then to multiply Sums, 20 *l.* for the House, 20 *l.* for every poor Preacher, 5 *s.* for hearing, upon the Master of the House, for hearing, besides the 20 *l.* for his House, 5 *s.* for the Wife, 5 *s.* for every Child, and  
so

so on: or else to lay as heavy a Sum upon a poorer Man, as upon the richer, is unequal and unmerciful; and if Justices are not merciful, they have the Countenance of the Law, for Unmercifulness, and Revenge upon whom they please. Certainly that Man is unmerciful, who would seize upon a Bed of a poor aged Widow, for a Debt, or Rent; but whether it be merciful to do so, as it is said, it hath been somewhere so done, for being at a Conventicle, let Christians judge.

6. He must beware, lest by his Justice, he doth put a stop to the Gospel, and hinder the Growth and Exercise of true Piety; for if he hinder the Gospel, he doth not the part of a Friend and Servant of Christ. If by the suppression of Conventicles, the serious Profession and Exercise of Religion be discouraged, he doth evil, by his doing good; if he doth good by executing his Office; yet if the Execution of his Office, be to the hurt and decay of Religion, he doth ill by doing well, and doth, as a Friend, the real, if not the intentional part of an Enemy.

7. He must really be perswaded in his Conscience, that all ways of Worship, not contrary to, but different in Form and Ceremony from the Church of England, is meritorious of Personal Ruine, and the Ruine of Children in their Parents (for it will quickly rise to that) that it is Evil-doing, that it deserves greater Punishments than common Swearing, or riding Journeys, on the Lords day, that he must be sure, that he intends no hurt or disadvantage to serious Piety; that he loves the Persons of the Dissenters, as he doth other Men, wishing no ill to any of them, and that judging their Practices to be Evil-doing; that he punisheth them meely, and only for Evil-doing, without respect to Anger, private Displeasure, or secret Gain; either by Bribes, or Rewards, either of Favour, Honour, or Estimation, or saving of himself. He that punisheth rightly, must sincerely bend himself against Evil-doing, as Evil-doing, yet for the good of the Person, or if not, for the benefit of that Person that suffereth for the good of others. If you can chastise the Religious for Religious Exercises, and save Religion harmless, you have divided the finest Hair that ever was seen. *Nonconformity* implies Conscience (or else it is flat irrational madness, to suffer for a whimsey or humour) and to punish them for Religious Duties, and not for Religion and Conscience, is too Metaphysical a Notion, to be brought to Practise.

I have now opened the Case, let others judge whether it be not Persecution: It hurts the Sufferer, it molests and vexeth him, his Vexation is for Religious Exercises, materially good, finally good, effectually good to many, without harm to any, faulty in an Outward Form, or Circumstance, which may be born with, without danger to the Kingdoms Peace, or true Religion. If this should prove to be a Persecution in any Magistrate, or other, then it follows.

Fourthly,

*Fourthly*, Be persuaded from this Course of Proceeding, and wait for healing Applications and Remedies; for it is one of the most unkind, unnatural Prosecutions, that have been ever carried on. The Persons are our peaceable and loyal Fellow-Subjects, useful in the Common-wealth; make up our Strength against our common Enemies; they are related to us in the Flesh, baptised with the same Baptism, believe in the same God, and Father, Son, and Holy Ghost, with one Faith, and that have offered to unite with us, in the same Form of Government, and of Prayer, as far as they could, without danger of sinning; we are not under the Temptation of compliance with an Heterodox Prince, against the Orthodox Christians; our King professeth the same Faith. It was an unhappiness to the Church, when an *Arrian* Emperor, or Empress, drew the Flatterers, and timorous Bishops, to persecute the Orthodox. This is not our Case, the Controversy now, is not between the *Heretick* and the *Orthodox*, we do not in them prosecute the *Arrian*, *Nestorian*, *Eutichian*, or *Donatist*. Nor doth the *Papist* persecute the *Protestant*, but the *Protestant* and *Maniche* cannot obey the *Protestant*, and the *Protestant* doth afflict, if not persecute the *Protestant*, which is a doleful Consideration! Oh how bitter is it! If there can be no difference found in Religion, there shall be a difference made by some Acts of policy; if none in Articles of Faith, there shall be in Conditions of Communion and Ceremony. Here the professed sincere *Protestant* takes up a Complaint against them, who are professedly as sincere as he. The *Orthodox* did communicate with the *Heterodox*, yea, with the *Heretick*, the *Heretick* broke off first, and begun the Persecution, and followed it: But the *Orthodox*, when he had Favour and Power for him, did not revenge. Let *Heresy*, which is from the Flesh and the Devil, be propagated, and enforced by carnal and diabolical Weapons; but let Truth which is from God, be carried on with Love. Truth goes forth with Evidence and Conviction like the Sun; but *Heresy* comes into the World sometimes with silence, but is carried about in a Storm, attended with Lightnings. Who but an *Ismael* will persecute an *Isaac*? If the *Papists* will persecute, who are by another Mother, a second *Hagar*, which gendred to Bondage, and scares us with Thundrings and Excommunications, as from Mount *Sinai*, or *Ebal*; let Peace be in the Walls of *Jerusalem*. If *Papists* persecute *Protestants*, O let not *Protestants* persecute *Protestants*! To open this, that I may move both Reason and Compassion, I will consider, *Who punisheth, who are punished, and for what, and see where we can find the like*; and whether *Hereticks* and *Papists*, and the immoderate *Lutherans* are not justifi'd by us, in the Cruelties which they have exercis'd.

1. The Magistrate is professedly a sincere *Protestant*, or else he must be an abominable perfidious Hypocrite, because of his Oaths, and Renunciation of the Pope and Popery.

2. They

2. They who are punished, are as Orthodox holy Christians as any in the World, out of our own Church. They are profitable and peaceable Subjects, notwithstanding many discouragements and provocations from Fellow-Subjects, and hidden Traitors.

More particularly, many of them have deserved well from the Church and State; which in humane Probability had never been restored, but for their Loyalty, Religion, and Conscience. This made the most Renowned Sir Matthew Hale, say ( whose sense may be as soon taken as most Men's alive, for his Wisdom, Loyalty, Integrity, and Impartiality in all Acts of Judgment ) ' Many, of the Nonconformists had

' merited highly in the business of the King's Re-  
' stauration, and at least deserved, that the Terms  
' of Conformity should not be made stricter than  
' they were before the War. Yea, to advance as

*Dr. Burnet's Life of  
Sir Mat. Hale, p. 65,  
66. large Octavo.*

highly as I can, in an unquestionable Authority: His Majesty in his Gracious Declaration about Ecclesiastical Affairs, said, ( pag. 5. ) ' That while he was in Holland, he was attended by many Grave and Learned Ministers from hence, who were looked upon as the most able and principal Assertors of the Presbyterian Opinions — and to Our great Satisfaction and Comfort, found them Persons full of Affection to Us, of Zeal for the Peace of the Church and State, and neither Enemies to Episcopacy or Liturgy, but modestly to desire such Alterations in either, as without shaking Foundations, might best allay present Distempers.

And in his Gracious Speech to the Lords, ( July 27. 1660. ) to hasten the passing of the Act of Oblivion: ' My Lords, if you do not joyn with Me in extinguishing this Fear, which keeps the hearts of Men apprehensive of Safety and Security, You keep Me from performing My Promise, which if I had not made, I am perswaded neither You nor I had been now here. I pray let Us not deceive those who brought, or permitted Us to come together.

The greatest Charge against them, is, That they are Separatists and Schismaticks. Besides, that this remains in debate between the Accusers and the Accused. Suppose them to be so, Yet 1. The very Independents, I mean the chief of them, besides what they have declared in the above quoted Declaration of their Faith at the Savoy, to be neither Brownists nor Donatists. Besides many Passages in Dr. Owen's Books, Mr. Nye hath declared himself, as to our National and Parochial Ministry and hearing us preach; and Dr. Goodwin lays down the Opinions of Brown and Donatist, and saith, And against these, I for my part, and many of my Brethren, profess that they are in an Error, &c.

*Case of great and present use, Lond. 1677.  
35th Sermon on the Ephesians, p. 477 fol.*

The Turbulency of *Brown's* own Spirit ran him into many Oppositions and Troubles; but he, the greatest *Schismatick* of those days, enjoyed his good Parsonage while he lived. The first Emperor that made Laws against the *Donatists*, was *Theodosius*, but they were not punished for their Schism (the greatest in the World) as such; but the occasion of the Penal

Augustin Bonifacio  
Ep. l. 2. Epist. 50.

Laws against them, was their barbarous abuse and beating of Bishop *Maximinian*, almost to Death, tearing of his Altar, &c. and other insufferable Violences and Furies. The Riots and Murders com-

mitted by them, and the *Circumcellions* (the same Faction) was the cause of Severity against them. But how far are our *Nonconformists* from breaking Peace, offering Violence, or any rude Incivilities, by Word or Deed, is apparent to all that are not given to wrong them, or to take pardonable things too ill from them.

Lastly, The Causes of their Sufferings have been spoken of before, to be neither Heresy, Sedition, nor Rebellion. The very Light of Nature seems to abhor punishing the Religious and Just; therefore the Heathen Persecutors have falsely imputed horrid Crimes, to holy Christians, from which they are clearly vindicated in the Apologies of the Fathers. The *Arrians* were Calumniators of the Orthodox, and so are the *Papists*, and unpeaceable *Lutherans*; But we that live together, should know one another better, and be both just and modest. The *Papists* damn us as Hereticks, therefore curse and persecute; the immoderate *Lutherans* charge the *Calvinists* with the denial of Gods Omnipotency, Communication of Properties, and many other Heresies, and Blasphemies: But what Heresy can we charge upon the *Nonconformists*? Had Antiquity left us such Confessions, and Explications of Faith, such Treatises in Divinity, Expositions of Scripture, Defences of Religion, we should have honoured them as much as now many despise them; they are full and firm in their learned and rational Opposition to *Papery*, in all the parts of it. And let us observe how we reckon some, in former Ages, as ours, who came short of them; and yet we must eject them, and multiply Sufferings upon them, as none of ours; we reckon *John Wicliff*, *Jerom* of Prague, *Huss*, and those plain and heroic Confessors, the *Waldenses*, and *Albigenses*, *Bohemians*, &c. ours; they are in our Martyrologies, and among our Witnesses for the Truth, in the dark times, when nothing was almost visible but *Papery*. Shall we account them Martyrs, when the *Papists* had more colour for their Persecutions, and bloody Usages of them, considering the Principles of the *Papists*, and the Opposition of those Martyrs; than we have for loading our Brethren with Punishment upon Punishment, considering the Principles of our Religion, and the Quality of the *Nonconformists*, both as to Religion, yet



and as to the Separation it self. For surely the Separation of those Worthies from *Rome*, as from *Babylon*, & the seat of Antichrist, & a mortally infected Church, was a greater provocation of the *Roman* Powers against them, than a peaceable dissent from a Church, acknowledged truly Christian, only for some scrupled unnecessary things; indifferent we say, therefore may be spared; sinful say they, therefore cannot be assented to; and some private Doctrines besides, &c. That which comes nearest our unhappy Case, is the *Interim*, that Book that was urged by *Charles* the V, upon the reformed Churches in *Germany*, requiring the Observation of Popish Ceremonies, as indifferent things, for a time, until a General Council should be called: What Divisions did it cause among the Princes and their Divines? among the Divines differing one from another? What woful Dispersions and Miseries attended the refusal of it, are at large related by *Sléidan*, in his *Commentaries*. This Book *Sléidan*, *Lib. 20, 21*. contained Popish Doctrines, which the *Protestants* rejected; but the things that divided them, were the *Adiaphora*, or *media*; Ceremonies, and indifferent things, which many refused, and suffered to very great Extremities. But he who terrified them and persecuted them, was a great Emperor, and a *Papist*; and the Arguments used against it, were, because it was not consonant to Scripture, and went against their Conscience, and Light received. After this, the Adversary, the Devil, stirred up another Controversy, attended with a dreadful Division, and Persecution, to the desolation of Churches and Schools. *John Brentius* invented the notion of Ubiquity of Christ's Body, and propagated it, by (the Apostle of Ubiquity) *Jacobus Andreæ*, but they gave it a pompous Title, of the Majestick Communication of the Divinity, and Divine Properties; being fond of the Notion, and impatient of Contradiction, *Andreæ*, assisted by some that were near *Augustus* Elector of *Saxony*, irritated *Anne* his Dutches, perswaded the Elector that his Phylician *Gasper Peucer*, and others were entred into a Conspiracy against him, upon which they are cast into Prison, and endure extraordinary hardship, as *Gasper Peucer* shews at large, in the History *Hist. Carcerum*. of his ten Years Imprisonment. Here two things were principally objected, False Doctrine, (*Calvinism*) concerning the Sacrament; and Conspiracies, and Seditions to maintain it. But what colour was there for the last? what reason for it? These were the common Causes of Persecution, Pride, impatience of Opposition, false Witness, Jealousy and Wrath. But now our Theological Controversies at home, are not of that nature; and the matters in Debate are *Questiones Medicabiles*, as some of the Ancients speak; and yet behold Division and Strife! And considering how irreconcilable the rigid *Lutherans* are to the moderate

Disciples of *Melancthon*, which are noted with the odious Name of *Calvinistical*; and how intirely our *Nonconformists* agree with the Articles of the Church; their Sufferings are more to be wondred at, from Orthodox Protestants, than the other from violent *Lutherans*. There was a third Party that made the difference, and the Advantage of the Miseries of them that suffered; and so there is a third Party among us, not unknown to us. But why, 1. Divisions should be made that need not. 2. Why continued; and, 3. Why the weaker Part should be severely used, is a greater wonder! It is a clear Indication, that they who are for a Prosecution, are not for a Reconciliation. Striking is not the way to heal our Bruises; It was a great fault in the *Corinthians*, to go to Law, Brother with Brother; nay, you do wrong and defraud, and that your Brethren, *1 Cor. 6.* Are there not those Saints in *England*, that shall judg the World, and judg Angels? And are there not such to be found, as can judg in this most unhappy Controversy, and bring it to an Accommodation, if not to an End, that there may be nothing like a Persecution in the Church of *England*?

*Obj.* But say some of us, Why will the *Nonconformists* divide from us? why will they not unite and submit?

*Ans.* You may as well demand, Why will they not part with their Reason, and their Conscience? for these are the things they follow, as they confidently affirm; and for which they have forsaken great things, and seem ready to forsake all, that is dear to Men.

*Obj.* Shall the Church yield to Schismatics, and break her Orders for the sake of Schismatics!

*Ans.* My Business is not to dictate to the Church; altho it is plain, the Church may be a glorious and perfect Church, and condescend to much, that is not so much as an integral part, nor so necessary to it, as a shadow to the Body. 2. But suppose them to be Schismatics, the Question is, What's to be done with them? Are they to be dealt with by rational Means or Violent? I am not satisfied, that this which we call Schism, is so gross and dangerous as that at *Corinth.* It was a great one, that came to this. Is Christ divided? or was *Paul* crucified for you? or were you baptized in the Name of *Paul*? But what course did the Apostle take to heal it? He had a Power which was answerable to the temporal Sword: I find he used

*See, 1 Cor. 1, 2, 3. ch.* none, but Instruction, Perswasion, and Reprehension. Are ye not carnal? If any shall maintain Schisms, and Contentions, by Violence, as the *Donatists* did, then subdue them by Power.

*Obj.* But doth not the Apostle say, *I would they were cut off that trouble you?* Gal. 5. 12.

*Ans.*

*Ans.* 1. It is clear, that they who troubled the *Galatians*, were the Ceremonialists, that preached Circumcision, contrary to the Liberty to which the Christians were called. 2. This cutting off, was not by the Magistrate's Sword, nor was it intended it should ever mean him, in the after-times, when Magistrates should be Christians; it was the Apostle's zealous wish, alluding to their Circumcision, and amounts to that, *Ch. 1.8. Let him be accursed, &c.* They falsely reported that *Paul* preached Circumcision, which he was so far from doing, that he looks upon them as Disturbers of the Peace of the *Galatians*, and Settlement in the Faith, and wisheth them worse than Circumcision, even Amputation. *Musculus* speaks the clearest of any man I know, to the words. 1. Saith he, 'These false Apostles did so insinuate and cleave to the Church, *perinde atq; pestis Corpori*, there was no avoiding of them. 2. They were the Apostles of Satan, Wolves in the Flock, and a Pestilence in the Body of the Church, and were not of the number of the Faithful. 3. From what doth he wish them cut off? even from the Body of the Churches of Christ. 4. *He wishes they were cut off.* Let us be admonished by this Example, that many things fall out, or happen in the Church, which are rather to be cut off by the Wishes of the Minister, than by Fact; he may wish what he cannot actually do. This Text is not applicable to our Brethren, and yet inconsiderate Zeal doth wound them with it. Indeed the same good Expolitor doth wish the Magistrate would take away in his time, those false Teachers and Pastors, which indangered the Salvation of Believers; that's not our Case neither.

*Obj.* But who have preached and written more against Toleration, than they who now plead for it? Why should they have what they would not grant, when they would have got the Power to themselves in their way?

*Ans.* This Argument carries more Prejudice than Strength in it, and doth rather throw them off like self contradicting, troublesome Men, than really convince them. And I might answer for them in this one Sentence, That they who were against the Toleration of the pernicious and intolerable, were never for the Suppression of such as themselves, who were both sound and tolerable.

2. Neither is there any thing extracted out of the Sermons preached before the long Parliament, or other Treatises, that doth prejudice their Claim to what they ask.

1. They do assert the Magistrates power in matters of Religion in particular, to keep men from infecting their Subjects with foul destroying Errors; Blasphemous, Heretical, Idolatrical Opinions. The complaint of Dr. *Burgeſs*, is against *Putredinous*.

See Mr. Calam. Ser.  
Decemb. 25th, 1644.  
Ser. Nov. 5. 1641.

*Vermin.*

## The Conformist's Second Plea

*Vermine* of bold Schismatics, frantick Sectaries,— to mount our Pulpit, to offer strange Fire, to expel the ablest Ministers in the Kingdom out of the Hearts of their People, as *Formalists*, Time-servers, no Ministers of Christ, Limbs of Antichrist, having no calling but from the Devil, that forsake our Assemblies as Babylonish and Antichristian. — Take heed of those Spirits of Error, of Indulgence to all sorts of Sects and Schisms, that plead it is the Peoples Liberty to be of what Religion they will, and their Opinions never so erroneous and pernicious. —

*1d. Serm. Apr. 1645.* Mr. *John Ward* of *Ipswich*, did exhort the Parliament to take care of the just Liberties of God's People, not such Licentiousness, as is abus'd for a Cloak of Naughtiness, &c. to set up Unity in Faith, that God's Name be not blasphemed, his Day be sanctified, his Gospel preached, his Worship kept from Idolatry, and Superstitions, Innovations, his Ministry purged, planted, encouraged, Sacraments purely celebrated.

*Serm. Mar. 21, 1456* It is more than necessary, and would take up too much time and place to examine all. That which they were against, was a general Toleration of all Religions, of Idolatry, Heresy, Blasphemy, and for all Men to do what they pleased: They were against Mens publishing by preaching or printing dangerous Opinions, such as *Poligamy*, Arbitrary Divorce, Mortality of the Soul, no Minister, no

*Mr. Case's Sermon* Churches, no Ordinances, no Scriptures; denying  
*May 26th, 1647.* the Divinity of Christ, and the Holy Ghost, and  
*Serm. Feb. 8th, 1646.* other Opinions destructive of the Souls of Men.

Mr. *Newcomen* is most full in stating the case of Liberty: 'Which (saith he) is not to be granted in such things, as are  
 'injurious to God, and destructive to the Souls of Men, nor wherein the  
 'difference of Judgment, will necessarily and unavoidably, *ex natura rei*,  
 'produce a Rent or Schism. If a Liberty of Judgment be left, it is, first, in  
 'such things as are not positively laid down in Scripture, therefore not in  
 'Fundamentals of Faith and Worship. 2. In things of private Practice,  
 'Care is to be had of keeping those Opinions to our selves, not perplexing  
 'the Consciences of others with them. Private Persons of a differing  
 'Judgment if they live quietly, frequent the publick Assemblies of Worship,  
 'and are not discerned to disturb the Peace either of Church or State, by  
 'any secret underminings, are to be tolerated in hope of their Conversion,  
 'and for publick Peace sake. Much hath been yielded, yea almost any thing  
 'but that one thing, that would lay a Foundation of perpetual Division,  
 'and Disunion in Families, Church, and Kingdom: Thus he. And what  
 is there in all this, that hath Conviction, or any Reason to silence them,  
 that they cannot open their Mouths for a Connivance to themselves?

Yea,

Yea, I humbly conceive, there is nothing but what commends the Ministers of the like Perswasion, to publick Favour, as being Orthodox, and sound Men, fit for a greater Favour, than a bare Permission or Toleration.

*Obj.* The *Presbyterians* were against the Toleration of Independency, therefore it is unreasonable for them to ask, and as unfit for the Church to grant the same to them; the Consequences of which Concession, if made to them, will be as prejudicial to the Church and State, as Independency would have been to them.

*Letter of Presbyterian Ministers of Lond. to the Assemblies of Divines against Toleration, Dec. 18th, 1645.*

*Ans.* 1. There hath been no such thing desired, since the King's Return (that I know of) as a Toleration of the *Presbyterian* Government.

2. One great Reason against the Toleration, was, because the *Independents* had not declared what they held, nor circumscribed the Persons, and the things, which they desired.

3. How far the Assembly and the *Presbyterians* condescended; and indeed how amicably both Parties debated the Controversy, is to be seen in the Papers of Accommodation; there was a Committee appointed for Accommodation, November 6th, 1645.

After the Paper of the Dissenting Brethren, in Answer to the Committee of Divines, December 23d, 1645, 'It is resolved upon the Question, That they which

'agree in the Substance of the Worship of God in the *Directory*, according

'to the Preface, and agree in the *Confession of Faith*, and with the

'Doctrine of the Reformed Churches, contained in their Confessions and

'Writings, as we do, who differ from our Brethren

'in matters of Discipline, shall have the benefit of

'this Indulgence. P. 42. This I historically relate, to

shew, tho the *Presbyterians* of *Lond.* were against a

Toleration of they knew not what, yet the Assembly

took pains by way of Accommodation, till they were diverted from all Proceedings. And now, if they had Power to assign it, the *Congregational*

should have a Brotherly Indulgence, that are found in Faith, &c.

*Obj.* But the *Dissenters* are under the ill Eye of the Law, and no more innocent than the *Papists* in the Eye of the Law, and there is fear of them; so the *Fol.* Pamphlet of Rebellion, printed by B. Took.

*Ans.* I say the *Protestant-Dissenters* are not under the evil Eye of the Law, altho under the ill Opinion of some that with them executed. If they sowed Seditious Principles, moved Insurrections, or poisoned the King's Subjects, they were most deservedly under the angry Brows of just Laws.

*Reasons of the Dissenting Brethren, &c. London, 1648.*



2. What if they were, what then? Those over-voting Numbers in that House of Commons are under the ill Opinion of the Land, have been noted by that very Parliament, and since.

3. That very Parliament in 1672, and all our Parliaments since, have entertained better Thoughts of them.

4. The King hath deserved some more Respect and Reverence from them that seem to exceed in Loyalty, than to have his Desires in his Speech at the passing the Act of Oblivion, disregarded as it is; and he expressed himself more graciously of them in many Passages of his Declaration about Ecclesiastical Affairs, offered Dignities, Bishopricks, and gave Degrees to some of those very Men, that this Gentleman thinks to prejudice by his Paper.

5. Till the Act *de Heretico comburendo* was taken away, this very Writer, if he be a resolute *Protestant*, was under the evil eye of the Law, and may be under the evil eye of the 35<sup>th</sup> of *Elizabeth*, if he continue so, and the whole *Protestant* Part of the Kingdom; and who were under the Aspect of the Law of the six Articles? But I say, the *Protestant Dissenters* are not under the evil eye of the Laws, but the Seditious; and his many Lines are so many Slanders in many places, and impose upon the Reader things which are contrary to our Senses. I can as soon believe *Papery*, as that *Protestant Dissenters* are Enemies to the Government. But what can be answered to such a Gentleman, that says, An Angel from Heaven might manage (his Argument) with greater Skill, but not produce more Demonstrative Truth; that is to say, An Angel from Heaven might write more like an Orator than he, but not be a better Logician than he. But he seems to be one of that strange sort of People among our selves, that (as Dr. Burnet says in his late excellent Sermon before the Lord Mayor of London) are not ashamed to own a greater Aversion to any sort of *Dissenters*, than to the Church of Rome.

Thus I have made my way to the Conclusion; and as I did begin, so I will end, with humble Application to the Magistrates.

But to all this the Magistrates will say, They have an Answer ready, *viz.* They do the Duty of their Places, and perform their Oaths, and they hope God will not judge them as Sinners, for doing their Duty according to their Oaths; and that the Kingdom of God may come, tho there were not one *Nonconformist* left among us.

Noble Gentlemen! An Oath is sacred, and the wilful Violation of it, a dreadful Sin, provoking the Divine Displeasure: The Case is hard, and really worthy of serious Thoughts. For, that learned, able, and sound Men, tho *Nonconformists*, ought not to be punished, but on the contrary, protected, permitted, if not encouraged, should be granted without any

Disputa-

**Disputation.** The Accusation of Rebellion, beginning the Wars, their Cantings, and Tones, and Fanaticism, are really the Abuses of ill-tempered Men, and of factious, and narrow Spirits. Wise, sober, just, and charitable Divines and Christians, that know their own defects, what weak Instruments God hath used in his Church, for greatest Services, and what Temptations attend their Callings, and how great a disadvantage to them, and hindrance to their Learning, and Proficiency, their necessities forcing them to sell their Studies; their many Removes, Troubles in their Families have brought upon them; will think and speak otherwise of them; and God hath born Witness to many of them, and given them Gifts, not inferior to those that despise and expose them, rather like Poets and Painters, than wise impartial Judges, or Witnesses, or Men of Charity. Men in Boxes should look before they strike, lest they pluck up any one of those Plants, which the Heavenly Father hath planted; and strike the Apple of his Eye. And on the other hand, it seems hard to censure Magistrates for executing the Laws, which seems to be a Duty.

For satisfaction of this great Doubt, I do with all just Honour to Magistrates, and Respect to their Consciences, and Comforts, humbly offer something.

1. It is clear and certain, That no Justice of the Peace is bound by his Oath, or Place, to promote the Disturbance or Sufferings of the *Nonconformists*. If any say, They cannot see the Laws broken: true, by Routs and riotous Meetings, that violate the Peace. It is a Fancy and an imaginary Fear, to say, We do not know what Mischief may be in the Meetings of many hundreds, much less to go to their Meetings, and command them silence, &c. There are thousands meet at Fairs, and Markets, and too many are drunk and disorderly, and what fear is there of their Meetings? what disturbance to the Peace? What need of the *Militia* to keep them quiet, or to prevent Insurrections? What Peril is there in the Meetings of Ministers, and Christians of all Sexes and Ages unarmed and innocent? It is hard to think they cannot preach, and pray, and sing Psalms, but they must then speak Treason, move Rebellion; that in their civil Conversation, are as peaceable as other Men, and careful of Words and Actions; much less, is it their Duty to employ, or encourage Men of ill Fame, and broken Fortunes, to be Witnesses against them; even such as are not fit to follow a heir Dogs, or rub their Horses, have been the most forward in informing.

2. When Information is brought before them, this is also certain, that except it be proved, by better Testimony than what is usually given, that such a Meeting was only upon pretence of Religion, but there was no such Religious Exercise; but on the contrary, false, seditious, rebellious Doctrine was preached, or the People were stirred up to Disobedience;

the Testimony doth not reach the end, or matter of the Act, and by Consequence, the Justice is not bound to take notice of it. If he upon such an Information, that such a Man, preached to such a Number, in such a place, and such a time, shall issue forth his Warrants, then he punisheth Religious Exercises absolutely, and not respective to the ill Designs of Rebellion, and the like. I do conceive, except the Proof be, that such a Minister or Preacher, did move to Sedition, or Rebellion, or other Ends, forbidden, a Justice is not bound by his Office, to punish them; if upon the common Information that is given, that such a Man preached, and such were present, and no such Words tending to Rebellion proved, or offered to be proved: Then I beseech you consider, whether upon pretence of preventing or punishing Seditious Meetings, you really exercise your Power to obstruct, discourage, or punish peaceable and good Subjects, for Religious Exercises? And so, as it is a horrid Wickedness in any Man, upon pretence of Religious Duties, to carry ill Designs against the Government; so what is it, to pretend ill Designs, where there are no such things, as much as implied in any Discourses, and to punish Men for Religious Exercises?

3. It is certain, a Justice may enquire and try the fitness of the Witnesses, whether they be idoneous, *boni & legales Homines*; they should be Men of Knowledge and Understanding, of Probity and Truth, and of Estates; Men that know what they can attest, punctual as to words spoken, and the true sense and scope of them, and Witnesses that will not lye, that know what it is to swear, and that fear a Lye, and the common Sin of Perjury. If a Mans Word cannot be taken, his Oath may be refused, especially in a matter wherein his own Gain is the prime motive to his Testimony, and swearing. In such a Case it is great Charity in the Magistrate, to exhort the Informer from his swearing ignorantly, rashly, or falsely; and he cannot without great suspicion of Sin, if not plain Sin, forwardly take the Testimony upon Oath of ignorant, ungodly, and scandalous Informers. I never yet knew, or heard of any other sort of Men, that gave Testimony against the Nonconformists, as may appear in due time.

4. It is certain, no Justice is bound by Oath, to misapply the Laws, either without respect to the scope of them, or the Persons upon whom they are executed; I have taken notice of this, in the foregoing Discourse. I am now more confirmed, that the Act of the 35th of Elizabeth, was a two-edged Act, but made and pointed more directly against the Papists, than any other. In that Parliament, Sir Tho. Edgerton Lord Keeper, Sir Rob. Cecil Secretary of State, Sir John Wylley, Sir John Fortescue, did all declare or confirm, That the occasion of that Parliament, was the cause of Religion, the Maintenance thereof, the Preservation of Her Majesties Person,

'Person, and the Good of the Realm. ( Mark I beseech you ) *The Enemy of these is the King of Spain, — and the Pope the Antichrist of Rome, said Sir Rob. Cecil. From the holy League, and the Papists ( the holy League of the Guisians, to root out the Protestants in France ) said Sir John Wolley. They that spake before me, spake sufficiently of the Authors of our Troubles, said Sir John Fortescue. I did look with great Expectation for some full Discoveries of fears and dangers from the Puritans in those Days, but could not find a word concerning any, but the Brownists, which were spoken of by Sir Walter Rawleigh, and deserve to be transcribed. — In his Conceit, the Brownists were worthy to be rooted out of a Common-wealth ; but what Dangers may grow to our selves, if this Law passeth, it were fit to be considered ; for it is to be feared that Men not guilty, will be included in it. And that Law is hard that taketh Life, or sendeth into Banishment, where Mens Intentions shall be judged by a Jury, and they shall be Judges what another Man meant. But that Law that is against a Fact, that is just, and punish the Fact, as severely as you will, &c. (as was quoted before, from that great and famous Man.) — to turn this Law upon Orthodox, sound Men, and spare the Papists, is too plain a perversion of the Law, from the sence of the greatest States-men, in that prosperous Reign of Q. Elizabeth ; no Justice can pretend Obligation from his Oath, or Conscience so to do.*

5. They are no more obliged by their Office, to execute these Laws against *Dissenters*, than they are to execute other Penal Laws. Is there not a Law, that no *Papist* shall go above five Miles from his own House, or place of Abode after lawful Conviction ? Are all *Papists* convicted according to Law, and do they keep their Bounds ? Is there not a Law of this Kings, for Observation of the Sabbath ? and who is convicted or punished by it ? Is there not a Law prohibiting Gaming, above one hundred Pound at one meeting ? and have all Gentlemen and Gamblers kept it ? The Act for 12 d. a Sunday, for not coming to Church, was intended against the Negligent, and not the Recusant, it being against Law to punish Men for the same fault twice : as Mr. R. Owen said upon the debate upon that Bill. But the N. C.

Mr. Townshend's  
*Historical Collections of the 4th Parl. of Queen Elizabeth. An. 1593. Eliz. 35th, p. 58, 59.*

*I have shewed in the foregoing Plea, our N. C. are not Brownists: Collections. p. 76.*

*But now our N. C. are not as much as tried by a Jury ; but upon the Evidence of a scandalous Informer, and Villains, hired by him, to swear what is for his coveted Gain.*

*Elizab. 35th, c. 2.*

*Collect. ib. p. 173.*

are and have been punished many times, and ways. Who can tell how many thousands of negligent Persons live in London, that go neither to Church, nor Conventicle; and who is so zealous against these, as against Conventicles? Surely then the Obligation of the Justice's Oath, is not taken to be so strict in some, as in all Cases, (as indeed they are) or else a Justice is not bound to enquire after Transgressors, but to keep his own Place, and do Justice when complained unto.

6. But suppose, That the Informers of Conventicles, are honest and true Men, idoneous and fit, or the Meeting be notorious: then consider, that the Law requiring the Justice to proceed against them, is a Penal Law: Any Justice of the Peace, or Chief Magistrate that shall wilfully omit the performance of his Duty in the prosecution of this Act, shall forfeit a hundred Pound, one moiety of it to the Informer; but to whom the other moiety shall be forfeited is not expressed. If the Informer will be so courageous, as to sue the Justice so omitting his Duty, he loses 50 l.

Now the difficulty lieth in this, The Law against Conventicles doth require the Justice of Peace, or chief Magistrate, to make Record of such an Assembly; that makes it his Duty; or in case of Omission, he shall forfeit 100 l. (if the Informer will be so bold as to sue for it) here's the Penalty; the Law is a mixed, and not purely Penal Law. If any Magistrate be so strictly conscientious, as to hold himself bound to execute his Office, he may inquire into two things: First, The goodness and necessity of the Law, which makes his Duty necessary. Secondly, His Omission is supposed, and upon that Supposition, his Penalty is assigned.

For the first, There is no scruple to be made, if any do under pretence of Religious Exercises, contrive Insurrections, but then it is the Magistrate's Duty to God, the King, and his Government, to execute the Laws. And because I have laid great stress upon the scope of these Laws, and argued that no Preaching and Religious Exercises are forbidden, or punishable, but such as are horribly abused, to such wicked Designs as are there expressed; I desire it may be noted, that the scope here, is all one, as the matter of other Statutes. Other Penal Laws do forbid and punish Sins, Evil Intentions and Facts, such as Treason, Felony, Murder, or things evil to the Common-wealth: But Preaching and Religious Exercises are Duties, and not Sins, Insurrections, Rebellions, are the Sins; and therefore those Religious Exercises, which are pure from such Designs, are not punishable; and he sins that punisheth for them, as much as if he did not punish for Sedition and Rebellion.

2. No such Crime being proved, but pretended, to suppress all Religious Exercises, performed without the Liturgy, and the Penalties being grievous to the Subject, and the Law, in effect, declared to be grievous by several



several Parliaments, altho the Law be actually in force, yet it is under the Censure of Parliaments, and hath lost its credit, and reputation of Goodness; and must be looked on, as one of those Laws that are better null'd than continued; and the Execution of it must be suspended, as tending to unnecessary vexation of good Subjects, and a scandal upon the *Protestant Dissenting Brethren*, to render them as suspicious as our Enemies, the *Papists*. And if we may guess at the Law, by the Penalty upon the Justice that omits his Duty, or rather at the Intention of the powerful part that carried it; they did not so much provide against Insurrections, as for the total Suppression of the *Nonconformists*: for can the forfeiture of a an hundred pounds be a sufficient punishment upon him, that omits to make a Record of so mischievous a Contrivance as an Insurrection! no, not the greatest Estate in *England*, can recompence such an Omission; nor is the Life of any Justice an equal Punishment. To the second, I propose this, The Omission being supposed, the Forfeiture is certain (if the Informer will be so daring) but 50 *l.* First, Whether it be not better, that a Justice of the Peace, or Magistrate, should venture the Loss of 50 *l.* which he doth but venture (for what Informer will dare to sue Gentlemen of Honour, Estates, and Interest?) than many Families should be utterly undone? Secondly, If the Execution be better forborn, as I hope I have cleared, then it were better a Justice of Peace should lay down his Commission, than act against the real Interest and Union of *Protestants*, and make spoil of many Mens Estates. Thirdly, If Forfeitures upon Justices should be recovered, and the payment too heavy for them to bear; then they may do great Service to their King, to the Church, to their Country; 1. To the King, as *Pliny* did to *Trajan*, concerning the Chrittians, *sed nihil aliud inveni quam Superstitionem pravam & immodicam*; representing to the King, they find no Seditions, nor Insurrections, nothing among the *Nonconformists*, but their Nonconformity. 2. To the Church by the same Representation, as a means to heal us. 3. To their Country, by forbearing the ruine of thousands of Families. What generous Soul will not venture the loss of 50 or a 100 *l.* to spare honest, peaceable Subjects, who cannot bear the charge of their Piety. He to his charge, asserts true Protestant Parliamentary Principles, acts like one of the Shie'ds of the Earth, covering the obnoxious from the Persecution of them, that live upon the Religion of other Men, and if done out of Pity, it will prove a gainful Damage.

But if you shall for saving 50 or 100 *l.* or for ambition of a Place of Power, or to rise into Business and Preferment, or from Prejudice against *Nonconformists*, or distaste and enmity at Religion, proceed, you sin exceedingly against God and Man.

I beseech you, Honoured Sirs, despise not the humble Address of a Minister of Christ in the Church of *England*, on the behalf of Christ, and his divided Church, and multitude of precious Souls; and out of Duty to your selves; lest you be found abusing your power against Religion, in Zeal to those things, which are but Modes and Forms, which commend no Man to God. Shall I say, it had been good for many, they had never bin Justices, or Magistrates? or that some had never been born, than be the occasion of great Shame, and Reproach, great and many Losses, and Sufferings to Ministers, in their Names, Estates, Health, &c. of great Trouble and Affliction to many tender Wives, by Frights, and Separation from their Husbands; yea of Sickness and Death to many of the holy Servants of Christ: Many oppressed Families groan under their Losses and Sufferings, and pray for them that have persecuted them from one Country to another, from one Prison to another; and if God hear their Prayers, then many of their Afflictors must repent, and should repair their Losses for Conscience sake. Many very dark and rude Places and People have been inlightned, many young and dissolute Persons have been converted by Prayers, Preaching, and Books of the *Nonconformists*. If you suppress their Teachers, if you give order to spoil them of their Goods, you starve the Nurse, and kill the Souls of many thousands that are nursed, and brought up by their Ministry, with the sincere Milk of the Word of God. That I may not be a lamenting Spectator of a doleful Tragedy, I have taken this freedom, and used plainness of Speech, and convincing Reasons to my power. There is a great Chasm and Breach, and see how God punisheth us for not healing the first Division. General *Monk* used the word *Fanatick*, in the Parliament, when he declared himself, more properly, than it hath been since applied. How did the word take and spread? how was it applied and misapplied! Others called those Men *Fanaticks*, who were a great, wise, sober, loyal, considerable part of the Nation. Here a Separation began! A great number of holy and able Pastors are cast out, to the great grief of more than themselves. A Breach is made by a standing Law within the Church, and Kingdom; some have made a Division of Church-men, and moderate, of Presbyterian Bishops, and rigid, of Protestant Bishops, &c. — And since, of Petitioners, and Abhorers of Addressers, and Non-Addressers; and now under scandalous and vile names of *Whigg* and *Tory*. Our Church-Divisions eat into the very heart of the Kingdom. We seem to be disjoyned in the National-Interest, by a prevailing, factious, private Spirit. Friendship and Acquaintance, and Trust, and Confidence are broken! Oh how menacing is this Judgment! Popery watcheth its Opportunity to get up triumphant and regnant. Perfidiousness hath engaged to open to it, and Perjury and Persecution are the

most

most conducing means to introduce it. Cut off the *Nonconformists* first beggar, and famish, and lay them fast; next compose a Test, in the nature of the *Sphinx Augustana*, or *Cassadran* Consultation for the *Conformists*, to separate the Moderate from the Genuine, and what next? The fear of which, and compassion to Posterity, and zeal for true Religion, would make a dumb Man speak, and him that cannot, write. Noble Sirs, If you will not hearken to Reason, befriend Religion, believe your Senses, and deny a carnal Interest, for an eternal; imitate the Clemency of our Gracious King (whom God long preserve) who is over us, as *Seneca* (*de Clementia*) speaks of the King of Bees; He hath no Sting; *Rex ipse sine aculeo est*. But if you are resolved, or engaged in such a Work, Be pleased to do these things.

1. Laying aside Prejudice, study the Case of the *Nonconformists*, and their Reasons for it; you shall find it best, and clearest, in the Account of the Proceedings in the *Savoy*, and Petition for Peace; (*Lond. 1661.*) In Mr. *Baxter's* Pleas for the *Nonconformists*; Apology to the Bishops; Defence against Dr. *Stillingfleet*, and Dr. *Hinkley*, and others: And the Questions in Controversy, clearly stated by Mr. *Giles Fermeu*; I suppose you have read the other side.

2. Consider what is, and what hath been preached and written for Accommodation; and do not account them the worst, but the best Divines, that have been and are for Accommodation; and see what was done by those Great Men, Lord-Keeper *Bridgman*, Chief-Justice *Hale*, Bp *Wilkins*, &c.

3. Oppose not, but consider the Reasons of the Long-Parliament, 1. In making these Acts; 2. Their, and succeeding Parliaments Debates and Resolves for Union of *Protestants* against these Acts.

4. Is this a time to afflict *Protestants* at home, when we entertain persecuted *Protestants* from abroad?

5. Lay aside all private worldly Interest. Peace was never preserv'd by Faction; it is inconsistent with Justices of the Peace to suppress a Faction, by being factious.

6. Be clear from all sinister Pre-conceits, Passions, and Disaffection to Practical Holiness and Piety.

7. Be assured you must give account to Jesus Christ of your Administration; and this is your time to act and shew your Faith, Hope, and Love to Christ, his Gospel, his People your detestation of Impiety and Sin, and to be true to your selves and your eternal Concerments.

8. Receive not ill Reports (act not by them) of them that differ from you.

9. Pre-conceive the Effects of your Proceedings, whether they will be for God's Glory, the King's Service, the Kingdom's Good, and for your own Peace and Comfort when you come to dye.

10. Pray for a Blessing upon your Proceedings; see what Approbation he hath given, and whether it be likely to please or displease him: If God hath blessed or prospered them that did execute the Laws, then it is an Encouragement to you: if not, forbear.

Consider what is said by *Gamaliel*, Act. 5. 38, 39. *Refrain from these Men; and let them alone: for if this Counsel, or this Work be of Men, it will come to naught. But if it be of God, you cannot overthrow it, lest haply ye be found even to fight against God.*

And by our Gracious King in one of his Declarations, viz. — *It being evident by the sad Experience of twelve Years, that there is little fruit of all those forcible Counsels, &c.*